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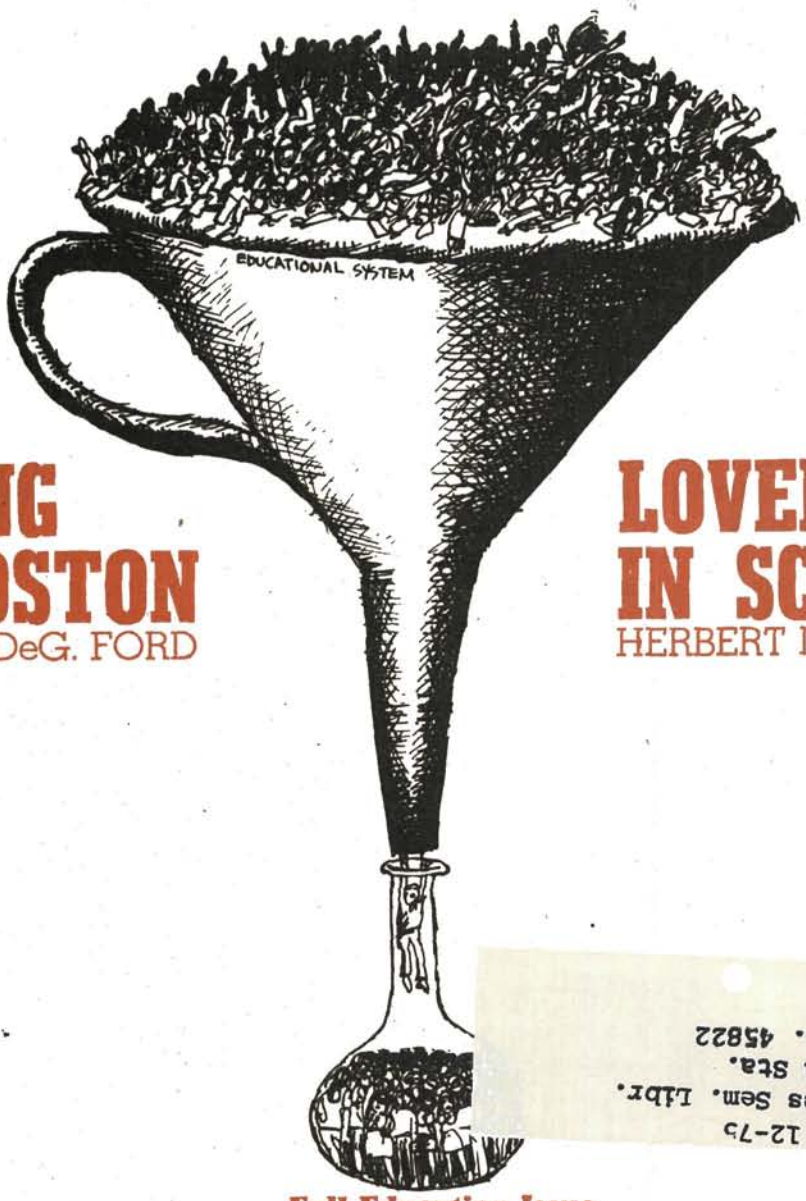

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Fall Education Issue

NICOLAUS MILLS THE NEW SEGREGATION
WILLIAM E. JOHNSTON, JR. TAXING EDUCATIONAL GIFTS
WILLIAM C. McINNES AN INTERNATIONAL DIMENSION
SISYPHUS THE MIDDLE EAST
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CORRESPONDENCE

Solzhenitsyn

Narberth, Pa.

To the Editors: Of the many possible "meanings" of Solzhenitsyn, John Lukacs makes little contact with any that have practical significance [Aug. 1]. In fact, Lukacs uses Solzhenitsyn for his own favorite *obiter dicta* and cold war obscurantism, and in the end leaves the reader with the impression that Solzhenitsyn is a wonder, "profound," and maybe a new "Light from the East," but by assertion only, with all important questions begged. For example, Tolstoy's interest in history "was astonishingly narrow-minded" in contrast with Solzhenitsyn's, but Lukacs never discusses explicitly the scope of the latter's historical vision, which is confined almost exclusively to Russian history during the last 60 years. Tolstoy was a "rigid and obsessed" determinist, whereas Solzenitsyn is "a deep believer in free will" (not a "rigid and obsessed" one). Although Lukacs asserts that his hero has left "Marx, Darwin, Tolstoy leagues behind," he offers no evidence that Solzhenitsyn has found anything but the most partial truth, or that his methods and knowledge of comparative history have any solid foundation. (In fact, Solzhenitsyn's writings show a profound knowledge only of Soviet prison conditions, censorship, and related matters—his knowledge of non-Soviet history seems minimal, and his critical capacities in evaluating any demerits of the West and positive aspects of Communism approach zero. For him all Communisms are homogeneous evil, and any negative allegations about them, such as the myth of the Hue massacre, he seizes upon without the slightest interest in weighing evidence.) According to Lukacs, "Solzhenitsyn is a witness with a desperate will, a will to break through history." But this is true of all true believers and zealots. Lukacs provides no indication of how this particular true believer will "break through history," and Lukacs' final message, that "Truly a single event in a single mind may change the world" (i.e., Solzhenitsyn's insight that Soviet Communism is very bad), stares at us as another unsupported mystical assertion.

One real "meaning" of Solzenitsyn may be inferred from his sponsors and supporters. Jesse Helms, Strom Thurmond, George Meany, Henry Jackson and the entire stable of right-wing columnists have welcomed him with open arms, and he has not rejected them. Are *they* supporters of and vehicles for a new world order based on something good? Could they be using Solzhenitsyn for purposes that bode ill for the world? Or do they and he see eye to eye? Would Christ have lectured under the sponsorship of the money changers? Lukacs never descends from the mysterious to such mundane matters.

The "meaning" of Solzhenitsyn also may be inferred from his positive views, a matter on which Lukacs is exceedingly vague. Lukacs tells us that Solzhenitsyn is "not a democrat," as if this is merely an interesting part of his great versatility of spirit. Then what is the "freedom" that he stands for? Lukacs doesn't say, leaving this to mystical meanderings—the "Russian people will not be free" until they recognize the evils of bolshevism; free of bolshevism only? with what in its place? or doesn't that matter? Mainly not for Solzhenitsyn, truly an "obsessed" man, so overwhelmed with his furious anti-Sovietism that this pure negative must be regarded as his central and virtually exclusive message. This is why he is so undiscriminating in choice of allies—"freedom" means free of or hostile to the interests of the Soviet Union or Communism—thus George Meany is a spokesman for freedom; thus Solzhenitsyn's vigorous defense of the Chilean junta on Paris radio, and his support of Thieu. His vague alternatives, rarely spelled out, are described in kindly terms by the *Christian Science Monitor* [July 24] as "a benevolent religious autocracy." A Manichean view of the world, an obsession with Communist evil, and a total absence of any analysis of historical process has made Solzhenitsyn a perfect tool of those who believe that more arms, threats, tensions and force will bring about a better world.

Because Solzhenitsyn is a courageous victim and a distinguished writer it does not follow that he has a sensible view of past, present, or future. In fact, his comments on the world since leaving the Soviet Union have been vintage Jimmy Forrestal and early cold-war demagoguery. In one of those paradoxes of history, a noble individual, with an exceedingly limited but powerful vision, has been converted by his own fury and naiveté—and by the more calculated and rational manipulation of others—into something demeaned, pathetic, and dangerously stoking the fires of irrationality.

EDWARD S. HERMAN

Roxbury, Ct.

To the Editors: Until John Lukacs condescended from his lonely eminence to illumine the darkness in which we abide I hadn't realized that Solzenitsyn, who seemed to me to have been entirely bypassed by the twentieth century, "is the surviving *avant-garde,* and not the intelligentsia in the West"; that Tolstoy was a sort of hapless old duffer, ambitious but benighted, hopelessly entrapped in the "limitations of what was essentially a nineteenth-century genre . . . a rigid and obsessed twentieth century determinist"; that that "feeble-minded" coterie of specters, the "New York liberal *literati*" writing in *Partisan Review* in 1945, were pitifully incompetent to read Stendhal or tell premodern from post-modern; that the world's "idiots and academic intellectuals". . . . But enough of this: the piece is both fatuous and sordid from beginning (the portentous and vacuous distinction between the "idea" and a "man" Whose Time Has Come) to end (the lyric, risible evocation of Solzhenitsyn as tree-deity in the pine forests of East Prussia); and I think his absurd overvaluation of the Russian atavist, divine-rightist and flat-earther who "left not only Stalinism and Leninism but Marx, Darwin, Tolstoy leagues behind," together with his other animadversions, is best forgotten.

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My purpose in writing falls short of polemic: I want to deliver a short lecture on manners and morals—on literary decorum; which one would have thought unnecessary in addressing the keepers of the flame of "older standards of civilization" so often invoked by tories, royalists, legitimists—and in fact invoked by Mr. Lukacs. But that scurrilous remark about Isaiah Berlin must not be permitted to go unrebuked. Contemptuously to dismiss Berlin as "a fat sleek sophist" bespeaks the sniveling manners of an envious provincial (which Professor Lukacs is surely not) sniping at his betters from a strongly fortified position (protected, that is, by the world's most generous, hospitable, indulgent editors—I speak gratefully but now also critically as a beneficiary of that generosity). Berlin's "little book," as idiots, the feeble-minded and academic intellectuals will continue despite that cheap shot to think, is a masterly essay in intellectual and cultural history by a distinguished historian which brought him richly deserved fame (or, rather, contributed significantly to an already imposing reputation). And though I have not recently been in touch with Sir Isaiah or with his bankers I think it safe to say that that learned, complex, subtle performance couldn't possibly have "made him rich" in the usual sense. Berlin's is hardly a household name, nor does his essay occupy a conspicuous place among England's, or America's, favorite books; though I, for one, have long thought *The Hedgehog and the Fox,* properly cast, imaginatively directed, and shot of course in gorgeous scarlets, crimsons and purples, might make an amusing movie.

SAUL MALOFF

Stone Park, Ill.

To the Editors: John Lukacs' article [Aug. 1] on Solzhenitsyn left me shaking with fear and awe. I never realized until I read the article that we may be hearing one of the great prophetic voices of history. His message and his voice seem to have a certain haunting, poignant quality that pierces to the very

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TAMING OUR VIOLENCE

President Gerald Ford is right when he says, within six hours of having been shot at, that we must not allow the fear of sudden death to keep the President from the people. Indeed, to radically alter any citizen's public behavior—whether the President's or the ghetto grandmother's who wants to walk her dog after dark—through fear of violence is to turn over our freedom to the thugs and flee, rather than confront, a political and social crisis.

President Ford is wrong when he calls his travels "dialogues." They are time-wasting political junkets designed to generate the illusion that he is a grass-roots leader; but they merely demonstrate that Hooverism is alive and still talking. Nevertheless, a President who travels periodically and freely mingles with crowds (where they can *see* he is flesh and bone, short or tall) is safer *for* a democracy than one sealed in a bullet-proof plastic bubble on wheels or intoning "*I* am the President" from the flickering glow of a TV tube.

But the politicians who now blame the Secret Service for not screening all the "nuts" out of city crowds miss the point behind our latest tryst with violence. They are capitalizing on the public's need to believe that our long national love affair with weapons is not even a flirtation but an isolated and unprecedented one-night spree by a boy or girl who long ago left home.

The truth is that if President Ford, John and Robert Kennedy, George Wallace, Martin Luther King, Malcolm X, Medgar Evers and the ghetto grandmother could not move safely among their fellow citizens, it is because we have allowed our nation to become an armed society. Through a sick mythology, the alleged "right" to have a gun is considered as sacred as religion, sex, family or freedom, and the price of this myth is the soaring number of assassinations, muggings and family quarrels ending in homicides.

We must recognize that the radical disarming of our society is a moral issue in some ways as critical as racial justice, abortion or the war—one that calls for the militant commitment of all American churches in the press, the pulpits and on Capitol Hill.

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Ironically, although there is overwhelming *political* opposition to gun control—through the arms manufacturers and the million-member National Rifle Association—there is broad *public* support for control. A 1973 survey by the National Opinion Research Center shows that three quarters of the respondents at least favor requiring a person to obtain a police permit before buying a gun. In fact, almost 64 percent of gun owners favor some sort of control. An analysis of the study in *The Nation* [9/20] also indicates that the hard-core opponents of control—those who draw beads on pro-control candidates and publications—are a very small (38 in a survey of 15,000) group of affluent white Protestants. A more recent poll in the New York *Daily News* shows that over 81 percent of New Yorkers favor laws requiring registration of guns, outlawing cheap handguns and mandatory prison terms for crimes committed with firearms.

Thus the popular sentiment for taming American violence is there if the leadership can tap, educate and move it to action. Religious leaders can begin by informing Representative John Conyers (D. Mich.) that they will preach, testify and work for his bill outlawing the private ownership of pistols with a zeal once mustered only for narrowly "religious" causes.

In 1967 the National Council of Churches issued a detailed, though too moderate for 1975, statement calling for firearms control on the federal, state and local levels. Last month the United States Catholic Conference, while allowing rifles to sportsmen, called for the eventual elimination of handguns from our society. A spokesman for the American Jewish Committee told us they were in favor of gun control in principle but that it had not been one of their priorities.

To our shared regret, in spite of the official statements, except for the Quakers and the Church of the Brethren, this issue has never been a priority of any American churches. Perhaps it is, in one sense, too remote—seemingly too far from the emotional and financial issues of abortion, birth control and parochial schools that have traditionally dominated our attention. Or, in another sense, perhaps it is too close to home, to every American's distorted idea of what it takes to be secure.

WASHINGTON REPORT

THE MIDDLE EAST

Secretary of State Kissinger has both tenaciously and ingeniously sired an assortment of agreements, the "Sinai Accords," that he states can generate a larger, non-bellicose living arrangement between Israel and Arab nations. May this come to pass, despite uneasiness felt here in Washington.

At this writing, the Sinai agreements have been presented to the foreign affairs committees of both branches of the Congress (or segments of the agreements have—one can't be positive these days). The array of agreements, as presented, includes bilateral agreements between the United States and Israel, the U.S. and Egypt and an agreement between Egypt and Israel. There are more portentous provisions among the agreements, but the one attracting the most interest is one that would assign no more than 200 American civilians to those Sinai passes from which Israeli troops are to be withdrawn. There, these Americans would monitor the agreement under which each is not to wage war against the other.

The Ford administration seeks prompt approval by the Congress of this plan to emplace American technicians capable of reading sophisticated radar and computerized surveillance materials. Congressional concern does not appear to run deep on this issue, but objections to other portions of the agreements may cause some members to express their reservations by voting against, or postponing, putting American "monitors" in the Sinai. Other provisions in the agreements are quite sweeping. Extensive American military assistance to Israel and Egypt in the years ahead is intended. Providing Israel with her domestic oil needs and up-to-date missiles and other armaments is causing twitches of apprehension among members of Congress customarily receptive to such proposals. But this time, such members of Congress are asking themselves: how far does one go even for a worthwhile ally who has earned her nationhood?

First, the parcel of agreements encounters a climate of opinion that has nothing to do with either their positive features or the Middle East itself. The agreements come into view at a time when newly formalized foreign-aid commitments are not looked upon with great favor by Americans, more concerned as to when the sun will again shine upon the domestic economy. Moreover, the Sinai agreements, whatever their merits, are victimized by the legacy of American foreign policy during the last 15 years or so—or, at least, American foreign policy in Southeast Asia, that is, every proposal these days in the area of foreign policy becomes tarred, suspect. The more scholarly among us, such as Edwin O. Reischauer, former Ambassador to Japan, for example, suggest that a preferred stance of ours should be, in Reischauer's words, a "policy of commitment to the defense of others only in cases when the threatened hegemony of some

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power menaces vital U.S. interests." He, along with George Ball, President Johnson's Under Secretary of State, probably would add that the Mayaguez affair in the Gulf of Siam earlier this year was good domestic politics, but bad foreign policy. And so with the Sinai agreements. Both men would also probably prefer an effort at Geneva for an overall settlement rather than the step-by-step settlement that Mr. Kissinger has chosen to pursue. Therefore, this climate subjects the Sinai agreements to a degree of stress even before they are evaluated in their own terms, including our promise, embodying an element of risk, to supply an ally, Israel, with the oil it needs for domestic use as well as considerable military equipment.

As for the parameters of the agreements themselves, Secretary Kissinger, acknowledging the expenditures and implied hazards are not minimal, says they are worth undertaking in order to avoid another war in the Middle East—an occurrence that might destroy the Ford administration's much-prized "détente" with the Soviet Union. After all, the Secretary asks, in effect, in a region most resistant to accord, what is a feasible alternative? There is legitimate ground for this position.

But, even accepting the Kissinger premise, the agreements should be understood in terms of their vulnerability, being, as they are, products of man.

Ball has suggested that the implications of the package of agreements—military aid to both sides that could total $12 billion in the next five or so years—carry with them consequences no less excruciating than those brought upon us by the Gulf of Tonkin resolution 10 years ago. Others, claiming less than Ball, point out correctly that as a minimum the implementation of the agreement makes us not a monitor or negotiator, but rather a full partner, a party to the whole affair, particularly on the side of Israel. This may be right and proper, they point out, but Americans should understand this at the outset. And understand, further, that Point 10 of the American-Israeli Memorandum of Agreement ("leaked" not released to the press) contains language akin to that found in defense treaties. Point 10 in its entirety states:

"In view of the long-standing U.S. commitment to the survival and security of Israel, the United States government will view with particular gravity threats to Israel's security or sovereignty by a world power. In support of this objective, the United States government will in the event of such threat consult promptly with the government of Israel with respect to what support, diplomatic or otherwise, or assistance it can lend to Israel in accordance with its constitutional practices."

Then, there is the language of Point 11:

"The United States government and the government of Israel will, at the earliest possible time, and if possible, within two months after the signature (9/1/75) of this document, conclude the contingency plan for a military supply operation to Israel in an emergency situation."

These two points, combined with an addendum, intended to be kept secret, that promises arms aid of "advanced types of equipment such as the F-16 aircraft," mean that whatever the merits of these three provisions, the implications need to be openly and thoroughly discussed.

Doubts and fears of members of Congress are being kept cloaked to date, for reasons of self-defense, but they are quite real and not limited to a few. If one wishes to explore the potential of the placement of American technicians, it should be understood that they would not be just any Americans looking for overseas jobs. They'd be highly skilled, experienced retired (or nominally retired) employees of the National Security Agency and the CIA. Would they only be doing "monitoring"? Would they refuse, or somehow be "unable" to be extricated if war erupts in the Sinai, as the agreement stipulates?

Then there is the assumption that the complicated written arrangements of the agreements point toward future negotiations leading toward a larger settlement—the Golan Heights, involving Syria, the West Bank, involving Jordan and the diverse Palestinian-settlement movement itself, including the PLO. Under the terms of one of the agreements, Israel is relinquishing sections of the Sinai it captured during the 1973 war in hopes that ultimately a general peace settlement will be obtained with all its Arab neighbors. Egypt, on the other hand, has agreed to a prolonged cease-fire with Israel in order to retake those Sinai sections, including oil fields, on the assumption it won't lose its clout with its allies, Saudi Arabia, etc. Yet, it's difficult to discern the road to a larger settlement. Egyptian President Sadat is nervous the agreements may be interpreted by more bellicose Arab nations as meaning Egypt is "soft" on Israel. In the Arab world, this could lead to a coup, or worse, in Egypt. All the while the Soviet Union is providing tea and sympathy to intransigent political elements in the Arab world. The Israelis themselves have reservations, although they're giving it a try—but only on the supposition that if the worst comes, the U.S. will stand by her.

It is a markedly somber period. The Sinai agreements have merits and demerits. The congressional committees should feel obliged to give them a thorough discussion and, furthermore, should insist that the Ford administration discuss with the committees each and every pledge, written and oral, it has made with any Middle East nation. The prospects for this to happen are discouraging.

Golda Meir, referring to her apprehensions, said that the agreements should be looked at "not with mourning . . . not with fanfare." Her observation, inadvertently, may turn out to be the most optimistic comment that can be made. **SISYPHUS**

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NEW UNIVERSITY DIRECTION?

AN INTERNATIONAL DIMENSION

A departing delegate from the August meeting of the International Federation of Catholic Universities in Delhi, India, was heard to remark as he taxied his way to the airport: "I wish I had brought my camera instead of my cassette." Delhi is—especially for Western citizens—an eye-opening city. Capital of a country of 570 million people (⅙ of the total world's population, 70 percent illiterate), its people and sidewalks, its cows and palaces give concrete evidence of the problems of population and development which the 165 university delegates from 27 countries had come to discuss.

The Assembly, too, was an event more to be seen than heard. Though not yet widely known in academic circles, IFCU showed at Delhi a visible presence in the international intellectual world which might be worth more than a cursory glance by American Catholic academies. It poses a challenge to higher education in the U.S.: is the academic road ahead to be national or international?

The International Federation of Catholic Universities records its own history from 1924 when several presidents of Catholic universities in Europe first got together to talk. After over two decades of relative invisibility, it received helpful recognition in 1948 from the Roman Congregation for Seminaries and Universities. The Federation met in General Assembly for the first time in Rome in 1949. In 1951 the statutes of the Federation of Catholic Universities were approved by that Congregation, giving the IFCU a special place in Vatican educational concerns. In 1963 permanent headquarters and a staff were set up in Paris. IFCU's aim: "to contribute to the development of the arts and sciences in a Christian perspective." It has met eleven times.

Though the Church is by its nature an international institution, its educational activities have been largely local and regional. Its educational systems tend to be indigenous to national locales. The American and European, Australian and Indian, Japanese and South American Catholic systems of higher education evidence radically different institutional forms. Internationalization, therefore, of Catholic higher education is still before us. The meeting in Delhi offered a look at possibilities.

In the United States, participation in Catholic international educational organizations has been championed by Fr. Theodore Hesburgh of Notre Dame, himself no mean world-traveler. He has served as President of IFCU, but his personal interests have not been generally contagious among his fellow American academicians. They look more readily to local communities and state governments for their interests. They often combine international largesse and provincial vision.

So today the struggle is uphill. Only twelve out of over 250 Catholic colleges and universities in the U.S. were represented at Delhi. Eight of these were Jesuit institutions, indicating a small but growing interest on the Jesuits' part. The General of the Jesuits, Fr. Pedro Arrupe, has been pushing the international apostolate, had met with the Jesuit presidents the week before in Rome to encourage them, and had delegated Fr. Pedro Pi, S.J., Provincial of Spain, as his personal representative to Delhi. Four American Jesuit university presidents went to India.

Only one American woman—Sr. Helen Volkomener from Ft. Wright College in Spokane—appeared. She too was more visible than vocal.

There was more to be seen than to be heard at the Assembly. As with most diffuse organizations, the pronouncements were more bland than incisive, more exhortatory than mandatory. The Assembly urged universities to undertake interdisciplinary research projects and to develop new curricula in the field of population and human development, to teach values in the light of faith and to assume a life-style that shows concern for justice and poverty, and not just the preaching of it. A floor resolution criticizing the lack of more lay people, professionals and women was passed with pious unanimity. Three years earlier at Salamanca, the 10th Assembly had expressed similar noble aspirations. But few knew how to carry them out.

The implications of the Assembly were more in the cast of characters than in the resolutions. The growing significance of the organization might be judged by the people it attracted: several Bishops, a representative from UNESCO, the personal delegate of the General of the Jesuits, administrators from many prestigious universities. Fr. Herve Carrier, S.J., Rector of Rome's Gregorian University, served as President.

Most prestigious of all was His Eminence Cardinal Gabriel-Marie Garrone, Prefect of the Congregation for Education in Rome and the top man for education on the Vatican staff. Cardinal Garrone, a congenial, sturdy man of 75, perspired through all the sessions, spoke publicly and frankly—and most graciously—on the delicate problems of secularized priests teaching theology, and on the need for a new Apostolic Constitution on education to update that of Pius XI. He also met privately with Msgr. John Murphy of NCEA and members of the American delegation to discuss

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recent correspondence which had raised great concern among some university presidents.

And the Indian delegation—77 strong—was proudly present. Eleven new institutions were admitted to full membership (schools with graduate faculties) and 27 to associate membership (undergraduate colleges), significantly broadening the membership. Many of them were in India. The Indian delegation had expressly requested that the Assembly be held in their country so they could afford to attend. As in so many other cases, perhaps those in need rather than those with resources will be the first to call attention to the new international order of things. Perhaps the Third World educators will be the real heralds of international education for the Catholic Church.

In addition to participants of importance, external recognition was also extended generously. Mr. Fakhuddin Ali Amed, President of India, received the group at his palace. Prime Minister Indira Gandhi opened the formal session, using the occasion to give a widely reported review of the present political crisis in her country. The Apostolic Pro-Nuncio threw a party at his embassy, and the Archbishop of Delhi joined 50 concelebrants at Sunday Mass in his cathedral. Accustomed to only glancing attribution by others, the leaders of the Federation were overjoyed at this publicity. Even if such recognition did not move them to the center of international intellectual power, it certainly was a step in the right direction.

The organizational directions approved by the Assembly are perhaps of more immediate and practical import than the resolutions. The votes to broaden membership, to encourage more regional meetings, to explore an international research center, to establish a separate Commission of Theologians and to promote closer relations with Cardinal Garrone's Congregation affect not only the membership but all of Catholic higher education.

The democratization of membership opens the door to a wider group of institutions. But will it diffuse the intellectual focus of primarily graduate universities? Will the broader membership be present in three years in South America as it is today? Is an international research center a premature dream for an organization without staff or expertise? Has it sufficient imagination, let alone funds, to make this effective? And if this direction becomes dominant, will it encourage the undergraduate colleges?

Will the new Commission of Theologians be able to provide the professional input for Assembly discussions? Frequently when major problems, such as population and development, are discussed by institutional heads (especially when done in three languages), major documentation and expertise are missing. Can the Theologians provide the first real professional back-up for international insight by Catholic institutional leaders so that the group can avoid both presumption (we have the answers) and naiveté (the answer is simple)? Can the proffered invitation by Cardinal Garrone for collaboration with his Congregation in the future be realized in practice? Of all Catholic educational organizations, IFCU presently seems to have greatest credibility with the Vatican. Can this be translated into real cooperation, thus significantly altering a traditional method of Vatican administration? Can the focus on regional activity, prompted by both limited international resources and unexplored local possibilities, be implemented successfully? Several regional organizations were present. Do they have the enthusiasm and resources to carry out these directives? The strength of IFCU is in its local members. If they can be internationalized in attitude, the organization will grow. Otherwise it will become an empty shell.

At present, IFCU is the most impressive and visible Catholic academic organization on the international scene. If, regionally, institutions—as in America—remain indifferent, it is hard to see how it can grow. If it does not gather increasing support from institutions committed to its philosophy, it is hard to see how it can move more centrally to the intellectual power centers of the world. If it cannot stir the imaginations of faculty and administrators at the local level to develop new methodologies and approaches to major problems, it will harden as a centralized bureaucracy.

Regionalization, research, broadening of membership, closing the gap with the Church hierarchy, increasing professional expertise on major world problems—these are steps proposed to increase the service of IFCU. Only time will reveal their efficacy.

But if the challenge of the international apostolate is real for all institutions, it is the American colleges that need IFCU as much as it needs them. Already the international world is at our campus gates in the U.S. The gap between poor and rich grows. World problems of justice, peace and poverty, though seemingly far away in Delhi, have a habit of traveling fast across space. Many American universities in the U.S. are already receiving new international students on their campuses. The University of San Francisco already has 1,100 students from 87 countries, twice as many nations as started the UN in San Francisco in 1946. Georgetown is working in Iran. Loyola of Chicago is in Italy. American colleges and universities from Maine to California are already part of an increasingly visible international world. IFCU just happens to be there if the schools wish to use it to meet their challenge. Perhaps when participants travel to Porto Alegre in Brazil for the next General Assembly of IFCU in 1978, they will find it advisable to carry both camera and cassette.

WILLIAM C. MCINNES

(*Father William C. McInnes, S.J., is President of the University of San Francisco.*)

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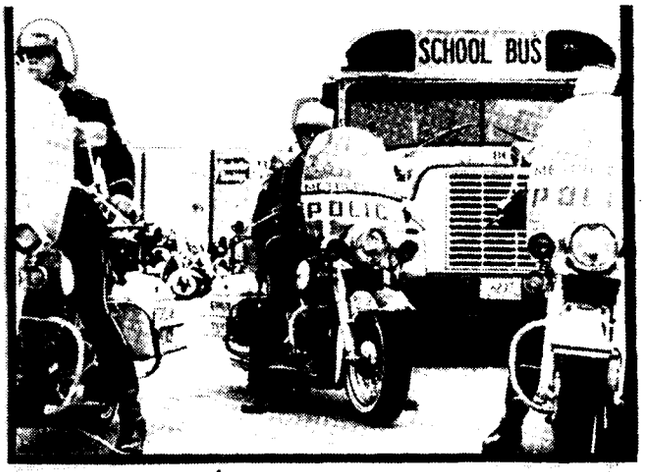
BUSING IN BOSTON

MAURICE DeG. FORD



Questions about the capacity of the federal courts

It is always difficult to come to conclusions after the first week of desegregation in any major city, and predictions are particularly perilous in Boston, that "Athens" of ethnic islands, which the over 1600 police and federal marshals protecting the safety of public school pupils have turned into an armed camp as well as a media event. During Phase I last year under federal Judge J. Arthur Garrity's order, one could never be certain when the situation, if ever, was under control. The beating up of a black man in South Boston would produce sporadic retaliatory violence against whites in Roxbury, and there were constant fears that a stabbing at South Boston High, Hyde Park High or Roxbury High might be the spark which would ignite the whole city. This pattern has continued throughout the summer and early fall. When blacks marched on South Boston's Carson Beach for a "picnic" one Sunday in August, 800 police were needed to keep the peace, so angry were some of "Southie's" denizens about the invasion of their "turf." During the following week, cars driven by whites passing through Roxbury's Mission Hill section were stoned, although, in general, blacks tended, given the magnitude of the provocation, to show somewhat more restraint than whites.

As the schools opened, most of the focus of the media has been on Charlestown, a lower-middle-class, almost solidly Irish community even more isolated and closed than South Boston. That a second Battle of Bunker Hill has not yet materialized (Charlestown High stands right opposite Bunker Hill Monument) attests to long hours of planning over the summer, close cooperation and high visibility of city and state police and federal authorities, personally led by J. Stanley Pottinger, Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice. When school has been in session there has generally been calm throughout the city, the most visible protest being the march on Charlestown High by the assembled mothers of that section of the city, joined in their tiny flag waving and Hail Marys against busing by City Councillor (and former School Committee Chairwoman) Louise Day Hicks, an ironic twist of notions about both God and Country.

Under cover of dark, however, more ominous symptoms of malaise appear. Gangs of over a hundred teenagers roam the streets in both Charlestown and Southie, overturning, and occasionally setting fire to, cars, hurling missiles at the police and storing up Molotov cocktails. The anti-busing protest and the opening of school have provided a focus for their usual aimlessness, the product, in no small measure, of a depressed economy and lack of summer jobs. There is now "something to do" in addition to playing half ball (the Charlestown version of stick ball and a rather graceful sport in which half a tennis ball is the projectile), "drinkin" and "hanging around" on the stoop. Federal marshals have now been put on nighttime duty, and the threat of federal indictment for violating Judge Garrity's order of depriving their fellow citizens of their civil rights, as well as an occasional rainy evening, seem to have had deterrent effects. Yet, even as this article appears in print, events may have changed dramatically.

The Boston school desegregation case raises, once again, many questions about the capacity of the federal courts—one judge, like Judge Garrity or nine judges,

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the Justices of the United States Supreme Court—to resolve major social problems. The vast majority of urban whites, and not a few urban blacks, are strongly opposed to busing in order to achieve desegregation. In the North, the problems of transportation are often far more difficult than in the South. Although there was mandatory school segregation by statute in the South and everyone knew each other's "place," blacks and whites—the servant and the master—lived close to one another. Thus there was comparatively less residential segregation.

In a Northern city like Boston, by contrast, where almost all blacks are concentrated in the Roxbury section of the city, Phase II of Judge Garrity's order has thus necessitated citywide busing of both races over long distances. What is at the end of the bus line, especially for blacks, is of questionable worth. South Boston High and Charlestown High may have suddenly become edifices for local pride recently, but to any outside observer they seem grimy, shabby, uninviting places for the transaction of anything, let alone the important business of education. The shouts of the crowds standing along the bus routes are hardly encouraging, especially the epithets coming from the mouths of the very young. "Niggers! Here come the little monkeys!" I heard a nine-year-old, kept out of school by his mother, say on the streets of Charlestown last week, just before one of his small friends pointed to a passing garbage truck, saying: "That's another load of them." Those who ingrain such attitudes in the very young are driven to desperate measures. One mother on O'Reilly Way pointed out her young daughter, clasped to her side as the buses began to roll: "Terry has real learning difficulties. She shouldn't miss one minute of school and the special program they have for her. But I'm not sending her. . . ."

Mixed Results

Any honest look at the social science evidence about the educational gains and attitudinal changes produced by desegregation reveals, as Professor Nancy St. John of the University of Massachusetts and others have demonstrated, very mixed results, at least early in the Northern desegregation process (many hope for improvement later, after the tumult and the shouting die down). Unlike most court equity decrees, where the party who has been found guilty of the wrong bears the onus of remedying and atoning for his misdeeds, those who bear the brunt of being bused under a desegregation order have not themselves been direct perpetrators of the injustice. Rather others are to blame, like successive Boston School Committees, which, as Judge Garrity's opinion conclusively demonstrates, for more than a decade have practiced segregation through means both overt and devious.

In addition, the result of a desegregation order may be further "white flight." The early figures indicate that more than 10,000 whites may have left the Boston public school system in the year between the implementation of Phase I and Phase II, an ominous sign. While, under the strict orders of Cardinal Humberto Medeiros, the parochial schools have refrained from becoming "escape hatches" from Judge Garrity's order (despite the great temptation of the additional, badly needed tuition which many whites have offered to pay), some private schools, such as South Boston Heights Academy, are starting to spring up, reminiscent of the segregation academies of the South. And many of those families who can afford to do so are moving to the suburbs with their kids. In some special situations like Louisville, where both the city and the country school systems were proved to have practiced segregation, a metropolitan desegregation decree has given most whites no place to flee. But there is some fear that Boston, as Professor James Coleman has been wont to emphasize of late, will become another Cleveland, Newark, or Philadelphia, with a largely poor and black city school system ringed by affluent, white suburbs. These disparities are now beyond a federal judge's constitutional authority to remedy, given the Burger Court's recent decisions in *San Antonio Independent School District v. Rodriguez* and *Milliken v. Bradley*, the Detroit case, decisions by the same Court which refused to consider education a "fundamental" constitutional right.

What happens in Boston is so important because Boston is a salvageable city. It has not yet "tipped"; blacks presently make up only about 17 percent of the population of the city and less than 40 percent of the public school enrollment (the latter figure being comparatively high due the large number of blacks who are children and Boston's large parochial school system, which siphons off many whites). Because of the large number of colleges and universities there and the fact that many young professionals seem to want to live in Boston, the city is attracting new business and industry, which may give it a more promising economic future than many cities.

Despite the difficulties of desegregation, Judge Garrity's findings were clearly constitutionally necessary and his busing order well within the limits set forth by the Supreme Court in the Charlotte and Denver cases. His Phase II desegregation plan is, in many ways, highly innovative, enlisting citizen participation, through the creation of the Citywide Coordinating Committee (an organization of residents and business and civic leaders) and Biracial Councils, and drawing upon the resources of the area's higher educational institutions, most of which have agreed to be paired with, and develop educational programs for, specific districts within the Boston school system. Moreover, especially as America is viewed by other countries, any alternative to desegregation would be symbolically unthinkable. The motto carved

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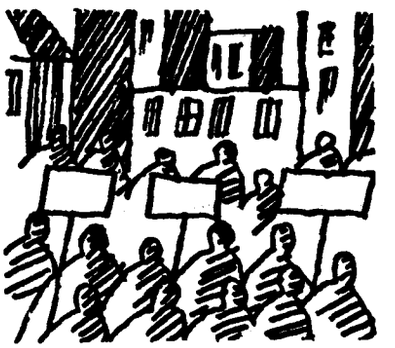
on the entrance to the United States Supreme Court is "Equal Justice Under Law." The South, too, has almost gleefully delighted, in a Sam Ervin I-Told-You-So way, at the scenes of the police protection necessary to quell the violence at trouble spots in Boston. Civil rights lawyers, picking up on this, have insisted that there not be one standard for the South and another for the North. All the Justices of the United States Supreme Court insisted, in *Cooper v. Aaron,* that the amount of popular opposition and potential violence aroused may never constitutionally justify watering down a desegregation order. Federal troops were dispatched to Little Rock, and it is urged that "Southie" and Charlestown should receive the same treatment, if the situation so demands.

Yet the nagging question remains, what warrant does a non-elected federal judge have, in a democracy, for imposing massive social change in a democracy and in an area, the education of the young, which affects so many people in the most intimate concerns of their daily lives. The late Professor Alexander Bickel of the Yale Law School, a former law clerk to that apostle of judicial restraint, Justice Felix Frankfurter, and author of *The Supreme Court and the Idea of Progress*, and Professor Philip Kurland of the University of Chicago Law School have been the principal legal scholars asking this question. But even a comparative "liberal," Archibald Cox, who, as President Kennedy's Solicitor General, argued and won so many cases outlawing discrimination and upholding the Civil Rights Acts of the early 1960s and who, before becoming Watergate Special Prosecutor, wrote the highly admiring volume, *The Warren Court*, has been troubled by it. In his lectures delivered in England last year, while Pitt Professor at the University of Cambridge, he wondered whether federal judges are equipped to handle the rather different kinds of constitutional issues which have been presented with increasing frequency of late. These issues, usually involving class actions, are often "political" in nature— and for a long time, before the Supreme Court's "one man-one vote" decision in *Baker v. Carr*, the federal courts tried to avoid "political" questions. The scope of the violation is unclear, and the scope of the remedy which should be applied to redress the grievance even more murky. For example, how many, and which, suburban communities should be included in a metropolitan desegregation order (the issue faced in the Detroit case) in order to ensure meaningful and long-lasting desegregation of the central city? The judge may be saddled with enforcing the details of the remedy over a period of many years, as in the Charlotte and Denver cases. Given a recalcitrant school committee, which Judge Garrity confronts daily in the Boston case, a judge may find himself enmeshed in presiding over a mass of detail governing minute operations of the school system, such as the ratio of hiring white and black teachers, the physical condition of school buildings in certain areas of the city and the ever present threat of resegregation.

In addition, the judiciary, which Alexander Hamilton called "the least dangerous branch" of our government, lacks many of the tools to deal with many of these complex and emotionally fraught situations; no troops or police are at its direct command and no power to raise the tax revenue necessary to remedy the decreed inequalities. The chief threat at the court's disposal is the contempt power, but this presents problems of its own. Judge Garrity, who has threatened to hold certain members of the Boston School Committee in contempt of court and is presently actively considering whether to place it in receivership (like other bankrupts) and transfer all its powers to the Massachusetts State Board of Education, realizes that if he exercises these powers, the result may be counterproductive. The jailed or fined members of the school committee will become instant martyrs (which some suspect, for political reasons, they want to become), with the mothers and fathers of the city holding torchlight parades outside the jailhouse.

But the root question remains one of judicial legitimacy to order large-scale social change, and in answering this question one is forced to define what it means to be a "liberal," no easy dilemma for one, who, like myself, was brought up campaigning for John F. Kennedy and George McGovern and who has worked as an attorney for the American Civil Liberties Union, but has been exposed to Alexander Bickel and Nathan Glazer. Even seeming "illiberals," such as Boston City Councillors Louise Day Hicks and Albert "Dapper" O'Neil, who have constantly stirred up popular sentiment against Judge Garrity's decree, have a point. Surely they seem to have successfully grasped the aspirations of the "little people" of the city, "their people." Testifying this past June against forced busing before the United States Commission on Civil Rights, "Dapper" O'Neil predicted:



> It will never work in this city. The people in this city, and other parts of the country, have been used to the American way of life since the inception of this great country. They believe in the neighborhood school system; that is why they move into a neighborhood—because they want to go to the nearest

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school of their choosing, and also their choice of religion, and also the neighborhood shopping centers.

. . . Here in Boston, the people voted 15 to 1 against forced busing—but this did not count. I thought the majority ruled, but I guess the voters don't count anymore. I have been in most of the troubled schools, and I know of what I speak. There is no learning going on whatsoever, only fear and frustration. How would Judge Garrity feel if his son or daughter was brutally beaten or stabbed? . . .

Let me say this, and you can bet on it, wait until they start to bus people into Charlestown, North End and East Boston—all hell will break out, and somebody will have to reexamine their conscience. I know of what I speak, will somebody please listen?

The bill that was sent to the City Council included the payment of the State Police, the Metropolitan District Commission police, and the National Guard troops that never left the Armory. Little people that pay all the bills . . . have had it up to their necks and they are going to fight back. They are fighting for their own flesh and blood, and I can't blame them. This is legalized kidnapping, and nobody is going to tell me any different. Just how much do people in power think they are going to take?

Many contend that the hostility which has been seen on the streets of Charlestown and South Boston this fall, though it has fortunately not erupted into major violence, and which broke out at Carson Beach earlier this summer, has little to do with busing. "At least we've proved once and for all that the issue isn't busing," said one black woman, running terrified, from Carson Beach. "It's racism, pure and simple." Others are sensitive to the fact that Boston is not a homogeneous, educationally and culturally enlightened metropolis, but rather a city of geographically isolated ethnic strongholds, each with its small village mentality. In this respect it differs from Louisville, also under a court order this fall, and may ultimately present more problems. Irish in Charlestown and South Boston and Italians from the North End and East Boston rarely mingle, save, perhaps, on opposite sides of the field at the annual "Southie-Eastie" football game, where 40- and 50-year-olds still wear their high school letter sweaters, so great has been the identification between school and community.

William Leary, recently not rehired as superintendent of schools in Boston because of his attempts to comply with Judge Garrity's orders, has seen the in-school issue in terms of "turf"—where students would sit in the lunch room, where they would "hang around" in the locker room and what school activities and athletic teams they would join. These needs—for security and love—reflect the needs of their parents. Dr. Robert Coles, author of *Children in Crisis*, has shown his accustomed sensitivity to these needs on the part of South Boston residents. Unlike their liberal antagonists—the Abolitionists who look down upon them only a few transit stops away in Harvard Square—they have no choices to move to the suburbs, or even to another job, if they have one. At the Harvard Phi Beta Kappa address this June, an address designed to shake the audience out of its comfortable mood of self-congratulation, Dr. Coles recalled a dialogue he recently had with a South Boston friend of his—a factory worker, Irish and father of five:

I graduated from South Boston High School and there was a time I thought my children would graduate from there, and my grandchildren, though I don't know about that now; and I'll tell you, the kids from Southie don't go to Harvard and don't go South to fight for the colored people, and don't try to protest against their own government by calling it every name in the book, and glorifying the dictatorships we're opposed to. The kids from Southie have to work during high school, and they try to get jobs, if they can, as soon as they graduate, if they do. Some just drop out. We're poor here, a lot of us. This is no suburb. This is no Beacon Hill or Back Bay. This is no Brattle Street, off Harvard Square.

My brother says the people near Harvard, the professors and doctors and lawyers and fat-cat businessmen, their kids, a lot of them, don't go to the Cambridge public schools, they go to fancy private schools and they have nice summer homes and all the rest. Well, who has the money to afford those private schools? Not us. And if we even mention trying to form our own private schools here in South Boston, then they tell us we're trying 'to evade the federal court order' and we're 'racists.' But if rich people send their children to private school, they're not trying to 'evade' anything. Or anybody, like us people here. Oh, no. They're just trying to give their children the 'best education possible,' that's what my brother hears them say—and he's no professor, but he can listen with his ears and he can figure out what he hears.

Robert Coles' friend will frankly admit, too, that he is afraid—afraid of losing his small house, his Church as he has known it (which he feels, has almost deserted him in its ecumenism and support of busing) and his community. They are maybe all he has. He resents the crime and slouchy, jazzier life style which he fears blacks will bring to infest his neighborhood, not that it isn't without violence of its own. But he has always felt uncomfortable with outsiders—Italians from "Eastie," and members of the Klan and the American Nazi Party

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who came to Southie and tried to envelop its residents in a brotherly embrace last fall (they were quickly ushered out of the neighborhood). He does not want to be uprooted. He may be rigid, but he may be right. After all, haven't fashionable sociologists since the late '60s (like Nathan Glazer), psychiatrists (like Gerald Caplan) and blacks (like the authors of *Black Power*) stressed the importance and healthiness of community solidarity?

It is with very deep feelings such as these, feelings of people who have very little and are in so many ways trapped, with which judges like Judge Garrity are forced to deal. Anyone who visits his courtroom, and it is a shame that so few Boston residents have chosen to do so, sees in action an enormously patient man, who does his best to listen to all sides and to arrive at a wise accommodation of interests within the framework of the Constitution. But he has so few resources, as a judge, with which to chip away at such intransigent social problems. Of course, one hopes that both whites and blacks in the city of Boston will soon come to the realization that they have far more legitimate grievances in common than those which seem to divide them. If only they could join forces and unite politically to bring about a readjustment of the disparities which exist between the central city and its suburbs. But, at the present time, there seems little more chance of bringing this about than of uniting two other groups who are also lacking in this world's abundance—the Irish in Dublin and Belfast.

LOVEMAKING IN SCHOOL

HERBERT LONDON

Controversy over a film on sex education

Standing in front of New York's Monroe High School were what appeared to be half the school's population boogeying to the transistor music of Stevie Wonder, flirting with one another as hands darted across nubile bodies and shouting the same adjectival obscenity as a preface for any comment about school, the lunch menu, the weather, or a film on television. The girls applied their make-up meretriciously, with reddish rouge on the cheeks and lipstick that ignored the contours of the lips, and the guys wore jeans that were intentionally two sizes too small, high heels that required as much skill to walk on as circus stilts, and shirts that were unbuttoned to reveal the newly sprouting hairs on their chests. It was a frenetic scene that exuded an aura of barely repressed sexuality. It was in this eroticized climate that a controversy arose—and one that still remains unresolved—over the showing of a film dealing explicitly with the subject of sex. It is ironic because even a casual observer at the school (as I was) would soon discover that sex is the main student topic of conversation, even when the views exchanged are innocent, ignorant, or boastful. As one student said to me, "Man, sex is what I dig."

Sometime in the middle of March, a middle-aged teacher who had been at Monroe for fourteen years showed four of his applied biology classes (no one could give me a satisfactory explanation of *applied* biology) a filmstrip called "Lovemaking." From that time on, the school, some of its students, the local community, the Board of Education, the curriculum, the Bronx D.A., and the teacher in question have all been deeply, irreparably affected by what has become a *cause célèbre*.

As is often the case in controversies, there are two very different yet plausible interpretations of the incident. Since there is a segment of the applied biology curriculum devoted to sex education in the broadest sense, and since students are palpably concerned with sex, are generally ignorant on the subject, and display an attitude toward lovemaking that is often crude and sometimes brutal, the teacher thought a filmstrip which sensitively and graphically shows the need for mutual fulfillment during sex an appropriate lesson for his students. It should also be noted that the filmstrip was purchased by school authorities and shown by guidance counselors "for special purposes" on many different prior occasions. And the filmstrip has also been shown at various high schools in the metropolitan area, as my random check indicated, although school officials, "for the record," now unanimously deny its previous use. The teacher in question had been apprised of the film's existence and the accompanying sex-education kit at an orientation session conducted by the Bureau of Health Education of the Board of Education. And even though he admits that caveats about the use of the materials had been intro-

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duced, and specific instructions against the showing of the filmstrip without some orientation had been noted, he believed the filmstrip possessed characteristics that were appropriate for the semi-literates in his classes who simply could not understand the written materials and tapes that were part of the preparatory materials.

Believing the filmstrip to be a legitimate teaching resource that was tacitly accepted by the Board and the Monroe High School administration, the teacher showed it to only those students in the four classes who wished to see it. It was observed without incident. In fact, the classes uniformly wrote favorable reviews of the experience, with such comments as "It's better to learn from teachers than to ask your friends and be unsure." Two weeks after the screening, the "marking period" ended and grades were given out. When one student learned she had failed for the quarter, she became irate, tore her Delaney card up and proceeded to kick the teacher. Presumably, the student described the incident to her parents and also made mention of the filmstrip that had been shown two weeks earlier. She was joined in her protests by another student who, at this point, described the filmstrip as "an embarrassment," adding the fillip that the teacher had made improper advances and used "street language" during the screening.

The student's father went to the school the following day to register his grievance with the principal. Since the principal was attending a central Board meeting, the assistant principal heard the charges and attempted to mollify the parent; but she did not arrange a meeting between parent and teacher, which under the circumstances would have been the natural thing to do and might have avoided any subsequent action. Still upset, the parent described the matter to a district leader, who called a meeting with community leaders, approximately seventy parents and the two girls in question. After that meeting, the Bronx District Attorney was called, and his assistant proceeded to conduct an investigation. After many interviews and several meetings between the major parties, it was decided that criminal charges would not be leveled against the teacher. Since "criminal intent" could not be proved, it was deemed appropriate to give the teacher a mild reprimand for "his bad judgment" and to arrange for his transfer to another school. As of this date, transfer arrangements have not been consummated, and the teacher receives twenty-plus thousand a year for sitting in another high school's laboratory cleaning test tubes while his classes remain unattended to by a "regular" teacher.

The other side of the story involves the Board of Education contention that the filmstrip had been officially banned prior to its showing at Monroe High School. Furthermore, Mr. Merola, the District Attorney, argued that this teacher was not authorized to teach health education. In a somewhat flamboyant fashion, he maintained for public consumption that "You can legally show in a school films you can be locked up for showing to youths in a public theater." As Merola claimed, "It would not have been possible to obtain an indictment in the case," but "that's because of a weakness in the law that gives teachers the freedom to show students sex films that would be illegal at a Forty-second Street theater."

It was also contended that, if the film was to be shown at all—and the teacher in question had been advised against it by the director of the Social Counseling program—the entire kit should have been used as the creator had prescribed. Had the directions been followed, a male and a female teacher would have been present in the classroom during the screening. Parental permission for viewing would have been obtained. And considerable orientation would have been conducted before the film was finally seen. Since these steps had not been taken, the Assistant Superintendent of Schools in the Bronx—without the benefit of a formal hearing in the presence of the teacher and his counsel—reassigned the teacher to the Board of Education.

On one matter the District Attorney is absolutely correct: The law is ambiguous about the teacher's freedom to conduct his classes as he sees fit. Academic freedom is not absolute, but the legal parameters on such matters as sex education for minors simply do not exist. Moreover, legislation changing the current legal restrictions failed to pass in the recently completed legislative session.

The claim that the filmstrip was officially banned is accurate; but the official notification of this action was sent only to Physical Education Department chairmen, where sex education is normally taught, and not to biology teachers. It is also somewhat misleading to say that only health-education instructors can and should teach about sex. Sex is intrinsically a biological subject; if the topic is discussed at all, it makes as much sense to have it taught by a biology instructor as a physical-education teacher—maybe even more sense. The District Attorney is technically accurate in noting that a film explicitly showing sexual intercourse for adolescents in a public theater where a fee is charged is a criminal violation. But is that a fair analogy?

First of all, the film in question is a filmstrip made by the Unitarian Universalist Association that was not, according to anyone's testimony, produced for anything other than sex-education programs. Showing of this film without a narrative, musical accompaniment, or plot on Forty-second Street would not be an immediate challenge to the box-office supremacy of *Deep Throat*. Finally, it could be argued that a teacher sometimes has to follow the dictates of his own conscience if he is to teach effectively. If all the directions were followed, this film would not have been shown. Surely the teacher and the school system would have been better off if that had been the case; and perhaps the students would have been better off. But would teachers be better off? In the final

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analysis, it may be difficult, indeed impossible, to reconcile a teacher's role with prevailing community sentiments. Yet that was what this case warranted. The ultimate question posed by this situation is: Can a teacher have more sensitivity to a young person's needs in a certain area than a parent—and should the teacher violate a public trust by acting on that sensitivity if the circumstances demand it?

I brought into my research on this story Victorian attitudes toward sex born of Hollywood movies of the 1930s and 1940s that concealed sex behind crinoline skirts and knowing smiles and four-letter words overheard at Sam's candy store in Brooklyn. When I first read about this incident, I instinctively recoiled against the showing of this film to teenagers. My own prejudices, by the way, haven't been altered. But the more I learned, the more equivocal I became.

The teacher in question is about as concerned with martyrdom as my pet cat. He has been teaching in public schools for twenty-four years, is the father of two teen-age boys, holds master's degrees in high school administration and elementary education, and is one of the few teachers I have ever encountered who is dedicated to teaching in a ghetto school. Even when the Chancellor finally decided to transfer him, acknowledgment was made of his commendable teaching record. Students I spoke to—admittedly, they are poor judges of their teachers—thought "he was the best cat in the school." This was no cool daddy elevating the street rhetoric of the 'sixties into a revolutionary platform. Nor is he a teacher eager to convert public norms. When I asked him if he would show the film again, he said, "Considering all the trouble, I don't think so." He just wanted to teach what he thought his students should know.

Maybe the showing of the filmstrip displayed bad judgment. But rather than instituting a public auto-de-fé, the teacher in question could have been told not to do it again. Are twenty-four years of teaching kids effectively (all according to the record) so trifling? Are our schools surfeited with so many outstanding teachers that, when one makes a dubious error in judgment, he can be so cavalierly transferred?

When I mentioned the teacher's fate to several other teachers, all they could say was, "I wish I were so lucky. If you can get transferred for showing a sex film, I'll do it tomorrow." What they ignore is his actual fate. Notwithstanding the dismissal of any criminal charges, there is left the residual curiosity, the innuendos and whispers that can destroy a reputation. When the teacher requested transfer to a well-known high school, the principal inquired, "If no criminal charges have been brought against you, why were you asked to leave?" He answered his own question by saying, "It's too risky to hire someone like you."

The teacher was asked to leave because the parties involved wanted to forget the matter. The Board of Education wanted to get the issue out of the media's grasp; school authorities wanted to return to the status quo; and the District Attorney wanted to drop a case where there were no criminal indictments possible. What resulted was a public-relations solution to a difficult problem that appeared—but only appeared—to satisfy all concerned.

In May, when the teacher was installed in the Board of Education offices, he was asked to count stacks of paper until he had reached piles of five hundred. When he balked, he was put in a school lab where he is barely noticed, never given assignments, and is probably the highest-paid test-tube cleaner in the city. The principal at Monroe said, "The decision to transfer Mr. (X) was best for all concerned." He never discussed that matter with his staff member.

When I began research on this story, I was skeptical about sex education; now I am downright cynical. I am convinced that sex education should not be left to the educators. What has happened in recent years is that, as wrecks of every kind are washed up on the shore of rehabilitation, the cure for the symptoms of social entropy is invariably found in an educational institution. Whether it's the drug problem, health care, or venereal disease, the schools are seen as the curative agent. But as schools are asked to assume more responsibility, it becomes obvious they cannot even do their main function well, which is to teach students how to read and write. How can they do that as well as do what parents, hospitals and churches have failed to do? As a result, publishing houses "manufacture" and "package" new materials to meet the newly discovered educational need. Sex education is clearly a case in point.

For me, the sex-education materials recommended by the Board of Education have as much humanness to them as do the directions for a Tinker Toy. The suggested readings are seemingly written for Ph.D.s in physiology, not kids with fifth-grade reading abilities. (The median reading score for the entering class at Monroe High School—tenth grade— is 5.2, excluding the Spanish-speaking population.) Perhaps the filmstrip shown to tenth graders was too sophisticated for Monroe students—an argument made by both the school administrators and the creator of the filmstrip. But what has been ignored is the attempt to humanize a subject eviscerated of feeling and sensitivity by the educationists.

In a document entitled "Family Living Including Sex Education," disseminated by the Board of Education, prostitution is listed as "content" with the following related learning activities: "Analyze the relationship of prostitution to health, economics, law enforcement, code of values and social problems." Here is a new catechism that substitutes feelings for catch-phrase "learning activities." I am not sure the Unitarian Universalist Association materials are better. In fact, I think that a filmstrip

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without any narrative can generate as much confusion as clarity. What I am suggesting is that if sex education is to be a part of the school curriculum, it should have a human dimension that has more sex and less educationist education.

Sex education in the schools is an argument whose time has passed. Every educator to the left of Max Rafferty claims it is necessary to cope with the breakdown of institutions and the corresponding increase of despondency. Curiously, in this case both the protagonists and antagonists believe they are supporting sex-education programs. The principal at Monroe High School said, "This incident only jeopardizes those sex-education programs we have." And District Attorney Merola noted, "I believe in sex education, but this guy wasn't teaching sex education." I contend that, if this filmstrip can generate a debate about what should be included in a health-education class or even something called applied biology, all the controversy may have served a useful—if somewhat circuitous—end. The conflict between academic freedom and penal law which was often used to characterize this case is a glib response to a complex matter. As Assistant District Attorney Kaminsky argued, "Nothing is pornographic per se; pornography depends on where and when, on the context and the audience."

Where, however, does that leave the teacher? After teaching for twenty-four years, his career may be at an end, albeit Chancellor Anker is publicly committed to his transfer. He has been humiliated by all the attention, even though the District Attorney and the Chancellor were careful to keep his name out of the newspapers. He was threatened by the Minister of War of the Savage Skulls, who is the boyfriend of one of the girls who first lodged a complaint against him. He was refused,—later he rejected—legal assistance by the U.F.T. because he stopped paying dues after the Ocean Hill-Brownsville dispute in 1969. In the same week the case broke, one of his teenage sons was bitten by a raccoon and required a series of rabies shots, and his wife had to return to Norway to visit her ailing father. He was removed from his classes by the Assistant Superintendent, Bertha Gordon, without the requisite forty-eight-hour notice, which was a violation of the union contract and an extraordinary discourtesy after many years of commendable service in the schools. He wanted to avoid publicity; yet for two months stories about the incident were carried continually by the press. He waited for some official word of action from Chancellor Anker, but the letter that was supposedly sent never reached him. He was an unwitting Job fighting a struggle he barely understood against a formidable array of adversaries equally perplexed about what should be done.

As is the case with many contemporary issues, this was not a case of the well-meaning versus the mean-spirited. The teacher was acting in good faith and so were all the others, from the Chancellor and District Attorney on down. But, however complex the explanation of justice in this matter may be, what remains unresolved is the basic issue: the academic freedom of a teacher and the ambiguity of a sex-education curriculum. Who should decide what is to be taught in sex education —the curriculum-makers in the Board of Education, the individual teacher, the publishers, or community sentiment? In an overcharged climate, with very few guidelines to rely on, there is no right answer. At Monroe High School last March, one teacher tried to fill the legal and ethical vacuum. He is still feeling the effects of his efforts.

THE NEW SEGREGATION

NICOLAUS MILLS

The struggle is taking on a new focus

Twenty years after the Supreme Court's Brown decision and ten years after the Civil Rights Act of 1964, segregation remains a way of life in America's public schools. The formal abolition of the South's dual school system has not led to integration on a nationwide basis, nor even stopped resegregation in the 11 states of the Old Confederacy. Office for Civil Rights data show that 45 per cent of the country's black students are still in schools where enrollment is 80 percent or more minority, and in the 20 cities containing one-third of the nation's black students, over 81 percent are in schools where enrollment is 80 percent or more minority.

These figures and the even grimmer on-the-scene reports of desegregation attempts in such Northern cities as Boston do not, however, change the fact that the struggle for racial justice in the public schools is now taking on a new focus. Desegregation per se is no longer

NICOLAUS MILLS *is the author of* The Great School Bus Controversy *(Teachers College Press). This article was done under the sponsorship of the Urban and Minorities Center at Teachers College in New York.*

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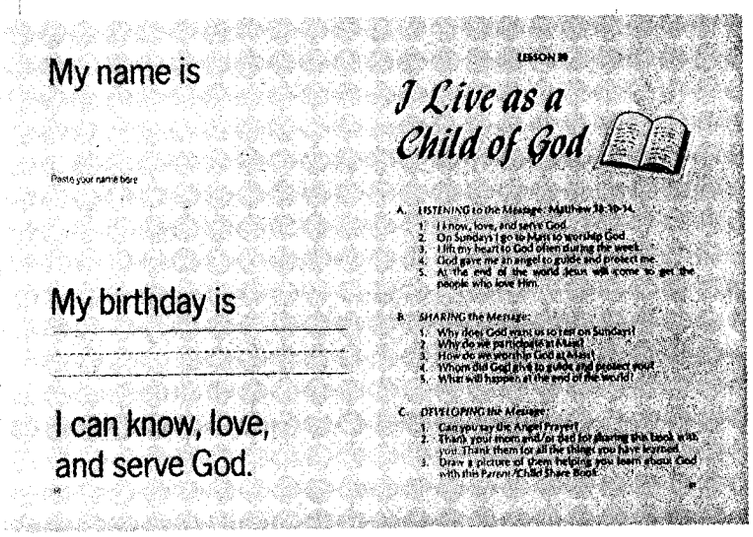
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3. I lift my heart to God often during the week.
4. God gave me an angel to guide and protect me.
5. At the end of the world Jesus will come to get the people who love Him.
B. SHARING the Message:
1. Why does God want us to rest on Sunday?
2. Why do we participate in Mass?
3. How do we worship God at Mass?
4. Whom did God give to guide and protect you?
5. What will happen at the end of the world?
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the primary source of contention. At issue is the treatment of minority students within "desegregated" systems and the use of suspensions, tracking and unofficial exclusion to discriminate against these students.

The battle over these three tools of the new segregation promises to be as difficult as the battle for jobs and housing that followed the civil rights movement, but for the moment there is at least one bright spot. The same Supreme Court that, for all practical purposes, stopped most Northern desegregation by ruling in the Detroit school-bus case that the suburbs may exempt themselves from the racial problems of the inner city has shown itself willing to act against the new segregation.

Suspensions: In no other area has it been so easy for principals and teachers to take advantage of the ambiguity in school rules and act in a discriminatory fashion against minority children. Data from a Children's Defense Fund survey show that at the high school level black students are suspended three times as often. Information gathered by the Office for Civil Rights confirms this pattern. As the following table shows, the most common situation was one in which minority suspensions were far in excess of minority enrollment.

City	Percent Minority Enrollment	Percent Minority Suspensions
New York	64.4%	85.9%
Houston	46.4%	71.0%
Cleveland	59.9%	70.8%
Memphis	58.0%	70.2%
Dallas	49.4%	68.5%

In the South, particularly in school districts undergoing the pains of court-ordered desegregation, the pattern of discriminatory suspensions has been especially apparent. A case in point is the Gulf County School District of Northern Florida, which was ordered by the Fifth Circuit Court to establish clear standards of discipline and to end racially prejudiced suspension procedures. Blacks constitute only 28 percent of the County's high school population; yet they were suspended from Port St. Joe High in Gulf County more than twice as often as whites. In the first year of desegregation, for example, the 276 black students at Port St. Joe High suffered 185 suspensions, while the 710 white students were suspended only 97 times. The expulsion figures for Port St. Joe High are even more telling. During the four-year period studied by the Fifth Circuit Court, only one white student was ever expelled, while 22 black students (95.7 percent) were expelled. Of these expulsions, 11 were because of interracial strife; yet in only one case was a white deemed at fault.

The Gulf County example is not a rare exception, however. The figures for that County are similar to those for other areas of the South. In Norfolk, Virginia, for example, at prestigious Maury High, 48 percent of the student enrollment is black but in 1970-71, 96 percent of the suspensions involved black students. In Columbia, South Carolina, during the first three months of one troublesome school year 741 blacks students as compared to 267 white students were suspended. In the South suspensions are, moreover, frequently just the tip of the iceberg. Often they are a tool for forcing black students out of the regular school system. In Montgomery, Savannah and New Orleans school principals have made extensive use of a procedure known as "indefinite suspension," whereby a suspended student is allowed to return to school only when the principal decides to readmit him. Students "indefinitely suspended" have thus been kept out of class for long periods of time, if not discouraged from ever returning.

Indefinite suspension isn't the only way of forcing blacks out of the regular school system, however. A no less effective tactic is to place a suspended student in a "special" school within the system. A 1972 survey, conducted by among others, the Alabama Council on Human Relations, the Delta Ministry, and the American Friends Service Committee, found "special" schools in Little Rock and Savannah serving this function and more Southern cities making similar plans.

Unfortunately, the suspension strategy followed by so many Southern schools is not, as the figures cited earlier indicate, unique to the South. The *Goss v. Lopez* case, in which the Supreme Court ruled only this January that a student may not be suspended from school without due process, originated in Columbus, Ohio, and grew out of a series of confrontations between white and black students that saw numerous black students suspended without notice or hearing.

Even in New York City, where state and Board of Education laws protecting students from arbitrary suspension are among the best in the country, suspension has been used in a discriminatory and high-handed manner. A year ago pupils at one junior high in the Bronx were given the choice of being paddled or suspended, and even after they chose paddling, many were still suspended. As for "regular" suspensions in New York City, a 1971 study by the New York Civil Liberties Union (during 1969-70), 14,000 students were suspended from New York schools) found that in *every* case it checked either state law or Board of Education rules were violated. Seventy-seven percent of the time students were suspended for illegal reasons, and 99 percent of the time neither the student nor his parents were given a specific reason for the expulsion, although the Board of Education requires such notice.

Tracking: By grouping students on the basis of standardized tests (often given during early elementary school) or teacher evaluations of academic performance, any number of school systems have found it possible to separate black and white students, even though they attend classes in the same building. In the South par-

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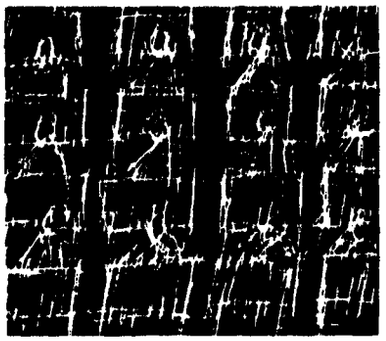
ticularly, tracking has led to a second-generation racism in which black students once more find themselves in inferior, segregated classes. In 1972 investigators compiling the desegregation report, *It's Not Over in the South,* found one-race classrooms throughout the cities of the Old Confederacy. Even in schools where the chances for racial balance were good, segregated tracking was common. At a 60 percent white high school in South Carolina, for example, 20 of 34 English classes were 80 percent white or black, and of these 20 classes 13 were 90 percent of one race. Moreover, as is typically the case in the South, the fast, college-preparatory classes were for whites, while the slow classes were for blacks.

In a case involving Mississippi's Tate County School District, the Fifth Circuit Court ruled this February that tracking that results in racially segregated classrooms may not be used by a school district that previously operated a dual school system without a period of time sufficient to assure that the underachievement of slower students was not due to prior segregation. So as far as the South goes, there is at least a legal basis—although one implicitly limited by time—for attacking a good deal of the tracking now going on. For the North, however, no such legal framework exists, and it is there that some of the worst tracking exists.



Politically "liberal" New York City, with a school population of over one million students, 380,000 of whom are white, 700,000 of whom are black or Hispanic, provides a perfect case in point. The jewel of the city's secondary school system remains its elite academic high schools, which admit students on the basis of competitive exams and provide them with a college-preparatory education. In these schools the majority-minority ratio of New York's public school population is reversed, and they do nothing so much as confirm the inferior early education of nonwhite students or the learning problems such students bring with them from home. To cite three examples: Office for Civil Rights figures show that at Bronx High School of Science 2,407 of the 3,161 students are white; at Brooklyn Technical High 3,491 of the 5,651 students are white; at Stuyvesant High 1,801 of the 2,436 students are white.

The tracking pattern reflected by New York City's elite high schools is not atypical, however. In a study of Brooklyn's James Madison High, which recently appeared in *The New York Times Magazine,* reporter Bruce Porter found a situation in which the 900 blacks and 50 Puerto Ricans who make up 34 percent of the school's 2,800 enrollment rarely meet white students. At Madison the "G" (for general) classes are overwhelmingly black, while the regular and honors sections are mostly white. As Porter observed, where education is concerned, James Madison High "is not one school but actually two." Blacks and whites can go there four years and never see each other in class except for ten minutes a day in homeroom and one semester of hygiene. For Porter, the difference between an honors class, where a student might do calculus, and a "G" class, where arithmetic was likely to be the order of the day, was more than a matter of subject. In contrast to the college-bound honors students, the "G" students knew they were marking time, and their class hour was generally spent either ignoring the teacher or creating a disturbance.

But what would the "G" students have gotten if they had paid attention? As in most cities, the lower tracks in New York's schools are essentially custodial operations, and the vocational tracks provide little help with jobs. Indeed, even in schools that, unlike Madison, have a majority of nonwhite students, the vocational emphasis is of little use. At Seward Park High, for example, where only 20 percent of the school's Lower East Side residents are white, the vocational track might serve the vast majority of students; yet the machinery in the vocational program is out of date, and no one in the school has thought to introduce a course like computer-operating into the curriculum.

Unofficial exclusion: In terms of the new segregation, this area is the icing on the cake. Yet the process by which school officials manage to keep non-white students out of "white" activities should not be overlooked, for it is instrumental in preventing students of both groups from knowing each other. The investigators doing the research for *It's Not Over in the South* were able to cite case after case of Southern school officials manipulating rules in order to assure white control of student councils, and the councils were ironically often a secondary concern by comparison with the extracurricular activities surrounding football. Indeed, in no other non-academic area are examples of school officials bending rules and encouraging discrimination more common. It may be all right to field an integrated football team, but a racially mixed band—above all, black and white cheerleaders—remains a problem in the South. The sad part is that the North is not far behind in any of these abuses. In his *New York Times Magazine* report

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on James Madison High, Bruce Porter found the school's major extracurricular activities even more segregated than the classes. Not only were the two most prestigious girls' groups, the Twirlers and Cheerleaders basically segregated (only two of the 14 girls in them were black), but so was the newspaper (which chose its editors from the junior honors English class), and so was the yearbook.

Will the new segregation in the schools prove as difficult to remedy as the old? At this point no accurate prediction is possible. Even with recent court rulings on suspension and tracking, no quick solution to this elusive second generation racism is in sight. For school officials anxious to combat this situation, any number of practical measures are available, however. To deal with suspensions, for example, an obvious but important step would be to have an ombudsman immediately hear out the parties involved. The ombudsman would be neither a school official nor a student representative but someone they both chose, and the value of his office would be its impartiality and his ability to make decisions before an incident could fester.

As for tracking, that problem is not an easy one to solve so long as non-white students enter school with learning problems or receive an inferior elementary education. But even without changes in these two areas, it is still possible for school officials to begin developing tests that are not simply educational barometers but reveal potential. New York's prestigious Hunter High has, for example, reversed its admissions policy to take in 20 to 25 percent of its class on the basis of their academic promise rather than raw test scores, and the result has been an important rise in their black and Puerto Rican enrollment and no loss in their academic standing.

As for the practice of unofficial exclusion, since school officials have tacitly and overtly encouraged it, they are in the best position to stop it. In the case of some schools, a new administration might be required if such a step is to be taken, but in most cases nothing so drastic is required. Lifting admission barriers to school clubs is an easy first step, and so is setting aside a period in the middle of the school day in which students can come together for an activity of their choosing.

The question is really whether school officials are prepared to start taking such steps. Certainly none of these measures promises to end racism in the public schools. But then it is enough if they begin to erode the process by which 20 years after Brown the nation's education system is affected by discrimination as insidious as that with which the Supreme Court first dealt.

TAXING EDUCATIONAL GIFTS

WILLIAM E. JOHNSTON, JR.

More than simply closing loopholes in the law

The Tax Equity Act (HR 1040) now pending before Congress, with hearings about to get underway, would make great changes in the way private higher education is financed. The bill is certain to undergo many revisions in the course of its legislative history, and modifications in detail will be of crucial importance. Nevertheless, because the proposed legislation contains at least two provisions likely to have profound economic impact on private colleges and universities, it is worth our time to consider these proposals for their representative value.

Section 504 of HR 1040, if approved, would henceforth disallow deductions for the amount of capital gain in gifts of appreciated property to charitable organizations. Only the actual value at time of purchase would be deductible. Present law allows deduction of the full fair market value at time of contribution. The colleges and universities would lose the amount taken away in taxes, assuming the gifts were still made under these modified circumstances. Section 604 would discontinue the tax-free status of estates left to charitable institutions. No more than 50 percent of the value of an estate would be available to the charitable recipient unburdened by taxation.

Now, it may seem that these changes are fair and equitable, that they close loopholes through which the rich have been allowed to escape from just taxation for too long. But, as in so many questions of public policy, it is not as simple as that. The questions are, inevitably, who pays? who loses? In taxing the rich, do we deprive others of the distributions of wealth traditionally made voluntarily? Theoretically, it may matter little to the rich person who gets the money, but it matters to the "who." Anyone familiar with the financing of private higher education in this country will see immediately the

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likely consequences of these changes. Are these "equities" intended to close loopholes or close schools?

Clearly, they would not *only* close "loopholes." A dead person can hardly benefit from the giving away of an entire estate. The proposed tax would perforce be levied on the college or university for its receiving a gift. And the situation is similar with the appreciated property provision. The donor is denied a tax deduction but the loss would actually be taken by the school.

These changes in tax regulations would, then, be new taxes indirectly levied on private higher education. But because they are also directly taxes on the rich they would discourage giving. By changing the tax system you also change the pattern of giving. This is elementary. The government *may* gain tax revenue, but it is certain that private education will lose support. What will be given will be taxed and what will be taxed cannot be given.

Are tax deductions for charitable contributions tax loopholes? This would be the case if the donor could escape taxation *without* giving any money or property to the publicly approved charitable recipient. But when a donation is made to *College X* and a tax deduction claimed, the rich person does not get to keep the money or property. It goes to *College X* and is spent (usually with great dispatch). *Rich Citizen Z* is less rich by the amount given away. What does the donor gain in such a transaction? Not his or her fiscal advancement; perhaps a more exalted position after death. This is uncertain. What is certain is that this procedure for distributing private wealth for public purposes (of which private higher education is one) hardly constitutes a loophole. In fact, what we are talking about are tax *incentives* to give money away.

The decision to distribute private wealth to charities and private colleges and universities in return for deductions of taxable income represents self-taxation. The claimant to a deduction must usually give up more than he or she receives from the government. The principle is that the government is willing to tax less in return for voluntary distribution of wealth by those whose contributions to carefully registered non-profit organizations are deemed in the public interest. This system of tax incentives has proven to be an extraordinarily efficient means for the redistribution of wealth along lines and in directions salutary to our social health.

Who gets this money? Mainly religious groups (over 40 percent of total giving). But one important charitable recipient is private higher education. We are not talking just about Harvard or Yale. Pomona College, founded in 1887 and the founding member of the Claremont Colleges (Claremont Graduate School, Scripps College, Claremont Men's College, Harvey Mudd College, and Pitzer College) had 32 percent of its total expenditures supported by philanthropic gifts in 1973-74. Harvey Mudd College had 51 percent of its total expenditures for the same period supported by private voluntary sources. Obviously, any change in the incentives to private donors to continue this support will have serious consequences for these schools, and for others which share their condition.

A Political Judgment

The final judgment as to the continued propriety of these incentives to giving will be a *political* one. It should go without saying that private colleges and universities are a fundamental part of the American system of higher education. Because private higher education depends extensively on public encouragements to voluntary distribution, it would be disingenuous to assume that the active discouragement of such distribution will be without impact. The proposals now before Congress contemplate more than tax equity. They move toward defining freedom in terms of the exclusivity of public authority. Only monies collected by the government and distributed by it are legitimate uses of wealth. The political theory behind this movement harks back to Rousseau, who contended that only the general will could provide legitimacy to political actions, and that private wills must be forced to be free, that is generalized within the willful authority of the public power. From such a perspective, private and voluntary distributions of wealth are illegitimate if not subversive. They should be replaced where possible with the public confiscation of private wealth and its later distribution in what we now call transfer payments.

The effect of this movement, if carried to its logical extreme (the making of everything private into a public concern), would be disastrous to most personal freedoms and would, of course, be catastrophic to independent higher education. Where schools did not just close, the transformation of private influence on, and support of, education into the dependence of private institutions on public generosity—when available, and when it may practically come with the weight of a large bureaucracy —would carry with it new imperatives affecting academic vitality and freedom. These considerations ought not to be ignored; they are real, extensive and politically significant. For, even assuming the replacement of private support by public funding—a large assumption given the present demands on federal and state revenues—the characteristic independence of liberal arts education, and higher education as a whole, will be compromised by further public dependency. It cannot be too strongly emphasized that private sources are decentralized, heterogeneous, flexible and personal. Public sources tend to be centralized, monolithic, inflexible and bureaucratic. These are the inescapable political facts. They have profound qualitative consequences.

Can our system of education withstand the removal of this private contribution? The standards crucial to the success of higher education remain preeminently private ones. They rely on principles of rigorous selection and

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private judgment. As Daniel Moynihan has noted, American higher education is "ideologically egalitarian but ecologically elitist." By drastically curtailing the incentives to distribute "capitalist accumulation," whether intended or not, one may still "the dissonance between ideological assertion and ecological base," as Moynihan puts it, a paradoxical tension that has been salutary for the perpetuation of American freedoms.

Not Just Private

All that I have here outlined is intended to suggest the possible deleterious effects of changes in our tax system now proposed, changes which bear on the health of higher education, and on freedom. These schools of which we have been speaking are not just *private* schools; they are *independent* colleges and universities. Let me be candid. When one speaks of independence, one is talking about independence from arbitrary authority, whether public or private. Academic freedom must mean that the academy and its members are free from the direct instruments of government coercion and the invidious sanctions of private wealth. The power to tax is the power to destroy. The power to pay is the power to control. It is therefore essential that *no single power*, whether public or private, be able to control or erode the integrity and independence of American higher education. A rich plurality of educational possibilities requires a rich plurality of financial support mechanisms. And this is the lesson. No single system of support for higher education will suffice if we intend to preserve our varieties of educational experience.

Clearly I am in favor of a vigorous system of private higher education. But I am also in favor of a flourishing system of free or low-cost public colleges and universities. I was an undergraduate at the University of California at Santa Barbara and am currently a doctoral candidate at the Claremont Graduate School, so I am not unfamiliar with the virtues (and vices) of the public and private realms. Both are vital. I find them so personally, and I believe public policy in a democracy that would remain healthy and informed ought to be so balanced as to preserve and sustain both. Independent colleges and universities would prefer to rely on a wide variety of private sources, challenging as it is now to solicit such funding. That this desire is now viewed with suspicion testifies to how far we have come in our thinking about the role of private, voluntary distributions of "the works of our hands and the works of our minds." Ought we to consider private wealth, voluntarily distributed, obnoxious to democratic freedoms, and, consequently, to assume that only public financing can secure popular freedoms? This movement of thought, this definition of *equity*, if not successfully challenged, may constitute one of the more dramatic reversals of our founding ethos.

It would indeed be a melancholy chapter in the history of American higher education if the Congress, out of passionate regard for tax equity, were to cripple the very institutions which throughout our history have been the vehicles for the reasoned transmission of the political tradition of egalitarian democracy and political liberty.

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THE SCREEN

In any film that takes place on a sailing boat—Victor Fleming's *Captains Courageous* (1937) and Roman Polanski's *Knife in the Water* (1963) come to mind first—the director is going to find the opportunities for beautiful photography irresistible. Lina Wertmuller's new film, *Swept Away by an Unusual Destiny in the Blue Sea of August*, is no exception. The film begins on a sailboat, and Ms. Wertmuller takes about every one of those opportunities she has to dazzle us with the scenery. During the day the boat nuzzles into the blue grottos of the Mediterranean coast. At dusk it glides before an orange and blue sunset. After nightfall, the

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mistress of the boat, Raffaela (Mariangela Melato), emerges from below decks into the brilliant, silvery backlighting of moonbeams bouncing off stainless fittings.

Even when Raffaela and one of her sailors, Gennarino (Giancarlo Giannini), get separated from the boat while out in a dinghy, life on the water remains a luxurious, stunning sight. As an aerial shot draws back from them lost at sea in their little boat, the camera picks up the swarming, iridescent highlights of the sun on the water. And when they at last fetch up on a deserted island, they are enfolded by green foliage, bleached limestone and pearl gray twilights. They are enshrouded in the sort of photography whose colors are so rich they seem actually to fill the air between us and the landscape we are looking at.

Yet none of this photography ever allows us to feel that Wertmuller only wants to send us pretty picture postcards. There's too much trouble in this paradise for us to get that impression. During the establishing shots at the very beginning of the film, before we even get close enough to make out who is speaking, we can hear Raffaela delivering a marathon diatribe against everything and everyone that isn't idle, feckless and fashionable like her. She is a rich bitch of the worst sort—the sort that flaunts it—and when she discovers that deckhand Gennarino is a Communist, she takes special delight in torturing him. When they are stranded and then marooned, it's like locking up a cobra and a mongoose in the same wicker basket. At first she continues to browbeat and bully him, but once they get to the island he's had enough. Now it's his turn, since she must depend on him for survival, to get his licks in. He makes her work for every morsel of food he provides, and slaps her around for good measure whenever he has the least excuse.

Thus Wertmuller's film becomes in large measure a contradiction, or at least a conflict, between what we see and what we hear. This is why the film is funny. All comedy is the result of some sort of incongruity or disproportion. The clown's shoes are too big and his hat too small, the punchline of the joke is either an overstatement or an understatement, swatting a fly is wanton but blasting it with a cannon is hilarious. The incongruity that Wertmuller creates here is one between the visual and aural scales of her film. Again and again, as in those establishing shots at the beginning or that aerial shot of the dinghy, we see her characters from a great distance. Extreme long shots show us Raffaela's party lolling on the deck of the sailboat, or the tiny figures of her and Gennarino traipsing across their island. The scene in those shots is always lovely and tranquil, and the figures close together. Despite the distance from which we are watching, however, we hear the characters speak in these shots as if we were in their midst, and their dialogue is always pure discord. Raffaela is squawking about something, or Gennarino is, or each is shouting at the other simultaneously.

The disparity between the sights and sounds of the film makes us choose continually between believing what we hear and believing what we see. Those who choose the former think Wertmuller is full of passionate political commitments to socialism or feminism or revolutionism or whatever. This is unfortunate, especially since her popularity has been based on the misconception that she has such trendy commitments. (Perhaps because she sees where her bread is buttered, she has even encouraged this misconception.) The fact is that Ms. Wertmuller is not a politician: she's a filmmaker, and she knows that what we see is what must ultimately matter in a movie. Politics is the great subject of debate in her films, but what her characters have to say about politics is always just a lot of talk—a lot of hot air and bombast. More than once Raffaela makes fiery speeches defying Gennarino, and in the next cut Wertmuller gets a laugh by showing her doing precisely what she was just inveighing against so eloquently.

Lina Wertmuller's comedy is really not a form of satire, then, but something much more personal and warm-blooded. To her the world is not as strident and disagreeable as it sounds in this film, but as beautiful and sensuous as it looks. When she suddenly jumps her camera off at a distance from her characters, it is in part to keep their ideological bickering in perspective—to show it as only a small hubbub in a very pleasing landscape. This is not to say, though, that Wertmuller is a sentimentalist, or that the rich pastel world she envisions here is without sadness. Like her two earlier films, *Love and Anarchy* and *The Seduction of Mimi*, this film ends unhappily because of the foolhardiness of a man.

Eventually, grudgingly, Gennarino's and Raffaela's loathing turns into love, but Gennarino is still too mistrustful to be satisfied with that. He effects their rescue so that she will have to prove her love for him by continuing it back in the civilized world. In a penultimate scene, he calls her at the hotel where she has been reunited with her husband. When she comes to the phone, he tells her he's calling from the gas station across the street and is looking right at her. But now that vision of them to which we have become accustomed is turned inside out. We no longer see them together and at a distance, arguing at the top of their voices. This time they speak softly and secretively as he explains how he's arranged to take her away again. He tells her nothing else matters, and she seems to assent. The trouble is that while they are saying these things, we are seeing them only in separate close-ups because they are no longer close enough together to be contained in the same long shot. And now as before, it is what we see, rather than what we hear, that we are compelled to believe.

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THE UNIVERSITY, PAST AND PRESENT

DENNIS O'BRIEN

The University in Society
LAWRENCE STONE, EDIT.

Princeton U. Press, $22
(Two Volumes)

The university has the curious distinction of being an institution whose past appears to be as speculative as its future. This profound thought came to me while reading concurrently the volume under review and Lewis Mayhew's *The Carnegie Commission on Higher Education.* The latter is a digest with commentary of the massive series of studies supervised by Clark Kerr which attempt to project higher education's future on to the year 2000. The Commission's prophecies, commenced in 1967, digested by Mayhew in 1973 and read in 1975 seem very distant from current university reality. The most persistent phrase in the Commission report is "massive federal funding" and nothing could seem more unreal in these days of financial retrenchment. Even cost-saving innovations like "less time—more options" (the notion that there should be greater variety of post-secondary educational opportunity, producing degrees in less time) seem to have gone nowhere. If anything, it is the traditionalist colleges and universities which seem to be weathering financial distress while those innovative institutions which have heeded the calls for rational reform of this Commission (or some other) find themselves hard pressed for students and financial support. Rather than being the wave of the future these colleges bleakly contemplate no future at all.

In *The University and Society,* Lawrence Stone has gathered together the results of a special research seminar on university history held at Princeton in 1969. One could turn to these studies of the past for precedent and suggest that the Carnegie Commission may share the fate of Lord John Russell's Royal Commission of 1850-51 for the reformation of Oxford. Although the Commission report was based on attractive and reasonable (if Germanic) alternatives to the mish-mash of governance and church piety that defined the university at the time, Arthur Engel notes that in the Oxford University Bill of 1854 (framed by Gladstone, M.P. for the University) ". . . the Royal Commissioners' plan for professorial dominance in the university . . . was completely ignored." But if anyone dreams about tempering educational futurologists by the sober lessons of the past, Stone's excellent collection quickly would illustrate the hazards of such hopes. The basic reason is, as noted above, that the university's past is almost as sketchily known as its future. For universities past and future, speculation abounds.

Take a particularly interesting example: Sheldon Rothblatt sets out to discover the causes of a fundamental change in examination procedures at Oxford stemming from the Oxford Statute of 1801. As he notes, this change from the lackadaisical educational pattern of Georgian Oxford has long intrigued historians but "the precise origins . . . remain as obscure as ever. [Although] at Oxford . . . the leading personalities behind the reforms are well known to us, nothing specific can be gathered from the spare accounts we have." One is not surprised to learn that early Oxford must be teased out of matriculation records as Stone does brilliantly in a sweeping analysis of the size and composition of the Oxford student body from 1500 to the 1920's. Our sympathies extend to Richard Kagan trying to analyze Castilian universities from fragmentary registration records kept by mathematically illiterate scribes subject to pressure to inflate enrollment figures to gain state aid. But in Rothblatt's case study one would certainly think that the very articulate dons of the early nineteenth century would have dropped a hint as to the purpose of the new examination system. Not so. Rothblatt's reconstruction is ingenious and rings true—and it also teaches caution. As he says, we are immediately tempted to read into the reform *our* view of why examinations should be established—"to raise and standardize performance."

Actually, it appears that the reasons were more complex and have as much or more to do with the fear of political revolution as with rising academic expectation. In 1801 Pitt undertook a second suspension of the Habeas Corpus Act; a desperate military campaign was being waged in southern Europe. The Oxford reform, so a contemporary writer outside the University claimed, was to "check the profligacy of idle young men and combat atheism by improving religious instruction"—and, naturally, quell thoughts of political rebellion which were associated with atheism and "metaphysical subtleties" endemic to the continent. (Note that the later reform of 1854 mentioned above came as much from offense at the appalling popishness of Oxford revealed by the Tractarians as from a desire to emulate German scholarship. It was claimed that if Germanic-quality biblical studies had been available at Oxford, Newman would never have strayed.)

A search of the university past as a guide to the present or a check on prognostication, then, is not a very reliable instrument in any immediately obvious manner. There is so much we do not know about the whys and wherefores of the history of the university. It has been agent of rebellion and reaction, moved with the times and shown remarkable tenaciousness in holding to values seemingly long gone. As Max Beerbohm said of Oxford: "It

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is a city where nothing is ever born and nothing ever quite dies." What we do not see very clearly is the inner working of this institution in either its reformist or its reactionary state. Several of the studies in the book are exercises in quanto-history, the study of the official records and registers wherein the inarticulate of history have left their imprint. How odd that this method should be necessary in just those places where letters, thought and self-reflection have been so long fostered. On their own history, professors often appear as mute as Medieval mobs. It is partly because of the lack of an inner chronicle of the College (as well as its intrinsic interest) that Stone's collection is concerned with the University *and* Society. We are continually forced to speculate about change in university structure as a result of social forces beyond the walls since we lack explicit inner testimony.

Even if one puts aside all the methodological problems about how we come to know anything at all about universities past and accept the accounts as given, the lessons for the present are hard to fully digest. I confess to sharp mood swings in the reading of history between delight in familiarity and despair at the strangeness of it all. Nowhere is that sense greater than in the history of the university. On the one hand, the university is one of the longest lived social institutions extant—certainly much older than most of the nation states of this world. On the other hand, it sometimes seems impossible to discover any continuity between current collegiate reality and even the recent past. In 1827 the Princeton Library purchased four books; 1828, none; 1829, one was received as a gift; and, as James McLachlan notes in his very interesting article on American student societies, "1830 was something of a banner year; the library purchased three books, one magazine and a pamphlet." Was Princeton really an educational institution? (The library, by the way was open only five hours a week—a figure which declined to one hour by 1860!) In my own col-

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lege, the high point of the year in the early 1800s was the great religious revival. In 1839 the students were so filled with the Holy Spirit that they rushed into Middlebury and burned down several buildings. Where is the modern equivalent? Bonfires at football rallies? Vietnam protests? There are analogies but analogies always show how *different* it all is since if it were the same we wouldn't have to analogize at all. (As McLachlan points out, riots are a most persistent feature of nineteenth century student life and we know next to nothing about their causes.)

Even when issues are closer to contemporary problems such as the controversy in the late eighteenth century in Germany over the role of the professor as teacher or scholar, there are differences which make comparison to our modern sense of the question difficult. One cannot imagine even a junior college faculty member subscribing to the views of the distinguished Göttingen professor Michaelis "To improve the sciences and to make new discoveries is simply not the duty of a school whether it be high or low. It is rather the duty of a few fortunate geniuses. . ." To be sure, Michaelis was a polemicist in a debate in which the more "modern view" of a combination teacher-scholar was put forward, but the entire setting of the debate is scarcely recoverable for us. In the first place, we have decided that discovery can be bureaucratized up to a point—the lesson of the natural sciences where persistent research pays off at least in bits and pieces if not in new cosmic paradigms. In the second place, Michaelis and his opponents like the Berlin academician Castillon, could at least see what it would be like to be merely a teacher of received wisdoms. Certainly part of the emphasis on discovery in the contemporary academy stems from the withering of belief in *any* received truths. It is easier to conceive of the tutor passing on truth rather than discovering new truth when there is some truth about to be transmitted.

The University and Society is a sizable piece of reading. It is unlikely that everyone will be equally enamored with every article. (I admit my enthusiasm flagged trying to keep abreast of the ups and downs which beset Salamanca, Valladolid, Baeza and Alcala de Henares in the sixteenth century.) The first volume is concerned with Oxbridge, the second takes in the rest of the world. Of particular interest among the articles not mentioned above are Konrad H. Jarusch, "The Sources of German Student Unrest 1815-1848" and Robert L. Church, "Economists as Experts: The Rise of an Academic Profession in America 1870-1917." If anyone would like to come to some perspicuous view of the contemporary college I would be inclined to recommend these volumes over most of the social, psychological or metaphysical analysis of the present scene. Because the picture of the past must be produced by such scanty and tangential evidence, it often calls our attention to the mere traces in contemporary life which may well be the

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veritable wave of the future. (Would President Ashbel Green ever have thought in 1812 that the student literary societies would be the heralds of a greater Princeton? Yet it is the capturing of these student urges to *read* which transforms the curriculum of American colleges after the Civil War.) Finally, the very strangeness of so much of the academic past is sobering for a contemporary college president, Congressman, or Carnegie Commissioner who believes he has seized the essence of the whole thing.

The Priesthood of Christ and His Ministers

ANDRE FEUILLET

Doubleday, $8.95

ROBERT IMBELLI

The eminent French priest-exegete, André Feuillet, has given us a work which is timely, immensely erudite, and ultimately disappointing. The immediate background of the book is the author's collaboration as a member of the International Theological Commission team charged with the study of priestly ministry. This concrete *Sitz im Leben* may have lent its own distinctive coloration to the initial project and final product, as I shall indicate below.

Feuillet consciously presents four questions to himself and his reader at the outset of his inquiry: Was Christ a priest? Did he think of himself as a priest? Did he constitute the Apostles priests? Is their priesthood distinct from that of God's people as a whole? (cf. p. 14). As Feuillet poses them, the questions take on a deceptively simple and straightforward allure, and his final categorical "yes" to each further belies the thorny exegetical and theological problems they conceal.

Feuillet's original contribution and distinctive focus lie in approaching his subject, not primarily from a consideration of the Letter to the Hebrews (the only New Testament writing to use explicit priestly terminology with reference to Jesus), but from a detailed

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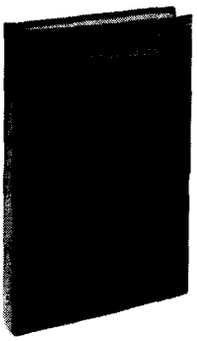

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study of chapter seventeen of the Gospel of John (the so-called "Priestly Prayer" of Jesus). Feuillet maintains that in this latter we find Christ exercising the priestly functions of sacrifice and intercession and consecrating his Apostles for like service in the community (though always in strict dependence upon the one High Priest of the New Covenant: Jesus).

Father Feuillet argues his thesis by drawing upon a wealth of biblical knowledge and correlating basic ideas of the Old and New Testaments; though, stylistically, the process often becomes somewhat rambling and repetitious. Thus in chapter one he relates John 17 to the Servant Song of Isaiah 53, seeking to show that "Christ is here acting as both priest and victim, a priest who, like the Servant of Yahweh, is himself the victim of his sacrifice" (p. 35). In chapter two he studies at length the literary and logical structure of the "Priestly Prayer" and finds "hidden but substantial relations between John 17 and the Jewish liturgy for the Day of Atonement" (p. 49). Chapter three repeats and extends a number of considerations already broached in chapter one concerning thematic similarities between Isaiah 53 and the Johannine writings in order to argue for "the greatness of Christ's sacrifice and priesthood" (the chapter's title). Later in this chapter Feuillet offers some illuminating reflections upon the teaching of the Letter to the Hebrews concerning the priesthood of Christ; but the closing of the chapter is marred by some unsophisticated speculations about what the author of Hebrews was "undoubtedly thinking" (p. 116) or whether he was referring to "the oral tradition" (p. 119).

Chapter four, by far the longest of the book, treats the question of the priesthood of Christ's ministers and, in particular, the "priestly consecration of the Apostles." Here insightful reflections upon specific exegetical questions, such as the identity of the "angels of the churches" in the Apocalypse, are offset by what seem to be predetermined theological positions governing the presentation, derived, perhaps, from the special nature of that Commission mentioned in the opening paragraph. Thus Feuillet declares at the beginning of his fourth chapter: "once Christ had willed the Church to be a lasting society, the Apostles had to provide for successors to themselves who would share, as they did, in the priestly consecration of Jesus in a way that would distinguish them from the rest of the Christian community" (p. 123). It comes as no surprise, after this programmatic statement, that such, indeed, is the conclusion reached at the

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end of the chapter and of the study.

There is no doubt that in *The Priesthood of Christ and His Ministers,* Father Feuillet presents many informed and insightful reflections. However, as the review has already suggested, their value is compromised by rather grave weaknesses. First, the author does not really grapple with questions of dispute among biblical scholars which could seriously affect his main thesis: such as the postulated self-understanding of Jesus in terms of the Servant of Yahweh or the historical reliability of the Johannine Last Supper discourses. He simply takes both the above positions for granted.

Secondly, Feuillet does not struggle with the different contexts and traditions which gave birth to the various New Testament writings and in terms of which those writings must be interpreted. It is this contextual sensitivity which underlies the exegetical method known as Redaction Criticism and prevents a facile and unhistorical harmonization of the New Testament data. Feuillet's whole thrust, on the contrary, seems directed toward a harmony which melds without sufficient differentiation the Synoptic accounts of the Last Supper and the Johannine discourses, the Gospel of John and the Apocalypse, the epistles of Paul and 1 Peter.

Thirdly, Feuillet's presentation, though often informative and instructive in its individual parts, becomes unpersuasive when those parts are linked. For the necessity of inferences made and conclusions drawn does not impose itself; and hence they appear arbitrary and idiosyncratic. Nor is confidence engendered by such strange assertions as the following: "if Jesus humbly submitted to the Precursor's ritual act of conversion, *the reason could only be* that he regarded himself as the messiah" (italics mine).

Finally, there arises at several points in the discussion a distressing sense of the intrusion of later theological categories and concerns upon the exegesis. Thus to speak of "the unity of the divine persons in the Trinity" (p. 25) or "the permanence of the priestly character" (p. 126) and to relate these without qualification to John 17 is at best anachronistic and at worst distortive of the New Testament experience and witness.

Father Feuillet concludes his study with a final chapter which summarizes his basic view of the priesthood of Christ and his ministers. In my opinion his work would have been more satisfying had it been limited to this essay, whose genre is more that of a spiritual reflection upon biblical themes of priesthood and sacrifice than that of a scientific study which entails distinctive critical exigencies. I am not suggesting by this remark that there is a double-standard of truth, or that "spiritual reflections" (even when

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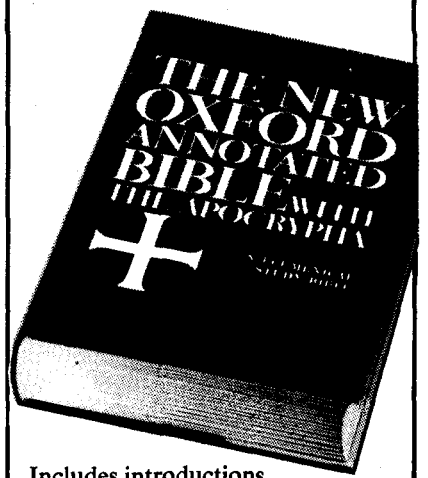

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written in French) need not be grounded in good exegesis; but rather that one can often profit from what is probable or possible if presented as such, whereas one cannot give critical assent to what has not been established according to critical canons.

There remains, then, the imposing and pressing need for a critical hermeneutical investigation of the crucial topic of priesthood in the new covenant. I stress the word "hermeneutical," for such a study must be sophisticated in its exploration of the concrete context and conditions of the diverse New Testament witnesses and nuanced in its interpretation of these into the present ecclesial situation. Paul Ricoeur, whose studies on hermeneutic are extremely perceptive and influential, has suggested that the present challenge to believers is to attain a "second naïveté," one that has passed through the purifying fires of critical questioning, reflection, and interpretation (See Ricoeur's remarks in the concluding chapter of his book, *The Symbolism of Evil.*) Father Feuillet's study of the priesthood, I fear, still reflects a "first naïveté;" and thus, though it may inform, it fails to convince and to meet our critical and most personal needs.

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CORRESPONDENCE

(Continued from page 451)

marrow of the human soul. I think I know how the hearers of Jeremiah the Prophet felt when he thundered at them and told them the aweful truth about themselves. Solzhenitsyn is no mere "Cold War" warrior. The man is a seer, and he's told us what he has seen. And it scares me, because very few seem to be listening to him. Nay, they are snickering at him, as if he were a half-demented Rip Van Winkle fallen asleep in the 1940s under Stalin and waking up in the balmy era of detente, still living in the past. He is a "sign of contradiction" indeed. I have now finally encountered Solzhenitsyn in John Lukacs' article, and I just can't seem to be able to shake his haunting, pursuing shadow out of my life anymore.

(REV.) GINO DALPIAZ, C.S.

New York, N. Y.

To the Editors: John Lukacs' remarks on Solzhenitsyn do not interest me but I do wish to express my dismay at the un-Christian and racist views Mr. Lukacs betrays when he discusses what he calls a new feudalism of "toughs" "rising" in both the Soviet world and ours.

Mr. Lukacs writes of these criminals as though they were irredeemable savages who find it "natural," whatever he means by that, to carry on a

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life of crime. When Jesus Christ promised redemption he promised it to *all* people. And he made it plain this included criminals when he took a thief with him to paradise on the night of the Crucifixion. In writing of youngsters of New York and elsewhere who have been driven to crime by poverty, ignorance and the cruel indifference of society as though they are some subhuman species, Mr. Lukacs is being anything but Christian.

Mr. Lukacs' racism emerges when he writes "The *black* kid mugging etc." Why the qualifying adjective "black"? There are plenty of muggers of other ethnic groups, even Hungarians. If Lukacs was not being racist he would simply have written "The kid etc."

As one who does voluntary remedial teaching of New York City "toughs," black and white, who are wards of the Probation Office, I can assure Mr. Lukacs that regardless of what crimes they have committed these "toughs" are not savages and they have all the potential of becoming good citizens if society will give them a chance.

JOHN DUNN

Atlanta, Ga.

To the Editors: Poor Solzhenitsyn! Sponsored by George Meany, exploited by Senators Helms and Thurmond, and now interpreted by John Lukacs. Our Russian visitor has hardly been lucky in the circle of friends who surrounded him here.

While there were some remarkable insights in the Lukacs piece, they were offset by the abusive tone he has adopted, and the absolutely thuggish epithets he applied to certain of our respected contemporary authors. Lukacs is, himself, one of the toughs he analyzes so perceptively in the course of his article. Why were not such offensive remarks "edited out" by the *Commonweal* staff?

ARTHUR EVANS

Reply

Since I asked the editors of *Commonweal* to print my article without editorial changes, they are not in the least responsible for its language and contents.

I wrote my article before Alexander Solzhenitsyn's visit to the United States. I shall not retract anything from it. How can any man be held responsible for the motley crowd of his admirers?

I shall make one correction. I should not have written that Isaiah Berlin, a sleek fat sophist, wrote *The Hedgehog and the Fox*, which made him, in turn, famous and rich. The sentence should read: ". . . Isaiah Berlin, the sophist, wrote *The Hedgehog and the Fox*, which made him famous among American intellectuals."

JOHN LUKACS

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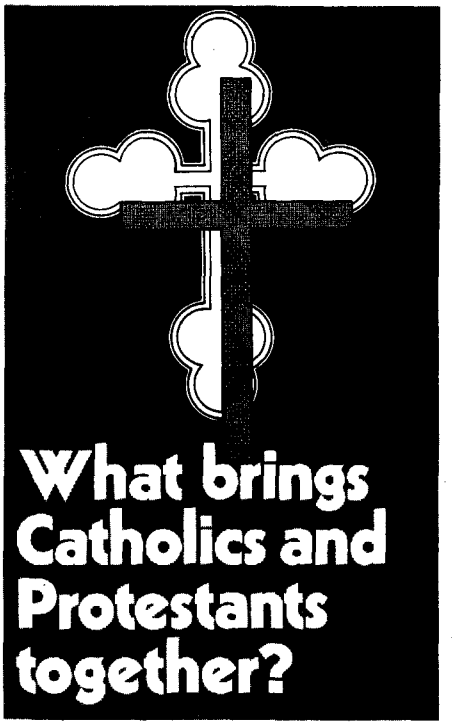

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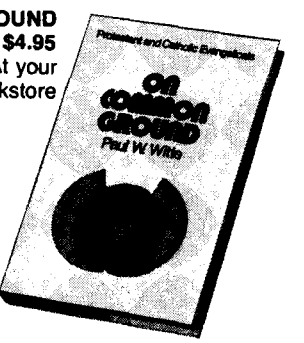

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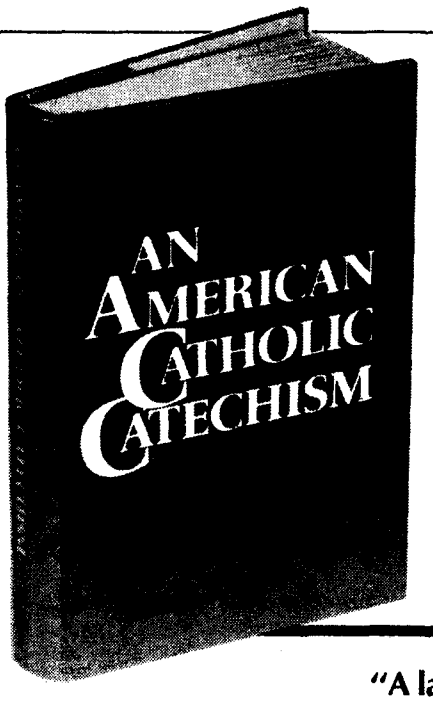

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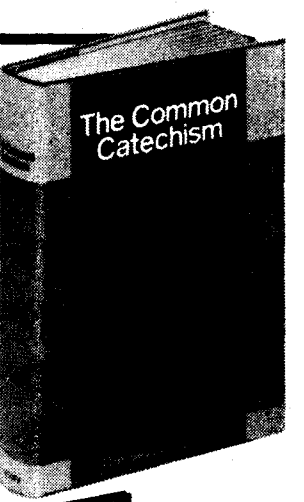

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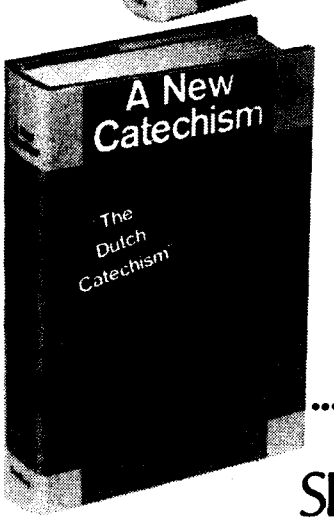

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